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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

STATISTICIANS

1. Section 24.36 (a) (9), *Statistician*, is hereby revoked.

2. Section 24.104 is hereby added as follows:

§ 24.104 *Statistician, P-1580-1—(a) Educational requirement.* Applicants must have successfully completed one of the following:

(1) A full 4-year course in an accredited college or university leading to a bachelor's degree, with either (i) 15 semester hours in statistics (or in a combination of mathematics and statistics of which at least 6 semester hours must be in statistics) and 9 additional semester hours of college work in one of the following: biological sciences, demography, economics, education, engineering, health and medicine, physical science, or other social sciences; or (ii) 9 semester hours in statistics (or in a combination of mathematics and statistics of which at least 6 semester hours must be in statistics) and 9 additional semester hours of college work in agriculture or agricultural economics; or

(2) Courses as given under subparagraph (1) of this paragraph, plus additional appropriate experience or education which, when combined with these courses, will total four years of education and experience and give the applicant a technical knowledge comparable to that which would have been acquired through successful completion of a full 4-year course.

NOTE: For positions involving highly technical research, development, or similar complex scientific functions, certification may be restricted to eligibles who show the successful completion of a full college course as prescribed in paragraph (a) (1) of this section.

(b) *Duties.* Statisticians conduct elementary professional statistical research including the use, under guidance, of technical statistical methods; the initial appraisal of statistical measures; and the preparation and interpretation of tables, charts, and graphs.

(c) *Knowledge and training requisite for performance of duties.* This position is at the entrance level to a career in the scientific and professional service. Appointees must have a knowledge of fundamental statistical theory and methods, including probability, calculation of mean values, basic distribution laws, tests of significance, correlation and regression, elements of sampling, and, as required, preparation of index numbers, determination of trends, seasonal variation and cyclical components of time series, and construction of charts, tables, and worksheets; as required, knowledge of calculus and other appropriate mathematics; as required, some knowledge of subject matter. This knowledge can be gained only through direct training in a college or university. The student receives in such training competent instruction in the technical and theoretical subjects, which cannot be obtained through individual study.

(Sec. 11, 58 Stat. 390; 5 U. S. C. 860)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] FRANCES PERKINS,
Acting President.

[F. R. Doc. 49-6396; Filed, Aug. 5, 1949; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Orange Reg. 287]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.433 *Orange Regulation 287—(a) Findings.* (1) Pursuant to the provisions of Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that

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1949 Edition

CODE OF FEDERAL REGULATIONS

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the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) Order. (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., August 7, 1949, and ending at 12:01 a. m., P. s. t., August 14, 1949, is hereby fixed as follows:

(i) Valencia oranges. (a) Prorate District No. 1: No movement;

(b) Prorate District No. 2: 1,100 carloads;

(c) Prorate District No. 3: No movement.

(ii) Oranges other than Valencia oranges. (a) Prorate District No. 1: No movement;

(b) Prorate District No. 2: No movement;

(c) Prorate District No. 3: No movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used herein, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 (11 F. R. 10258) of the rules and regulations contained in this part.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 5th day of August 1949.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable
Branch, Production and Mar-
keting Administration.

PRORATE BASE SCHEDULE

[12:01 a. m. Aug. 7, 1949, to 12:01 a. m. Aug. 14, 1949]

VALENCIA ORANGES

Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	.1078
A. F. G. Corona	.0000
A. F. G. Fullerton	.9104
A. F. G. Orange	.4300
A. F. G. Riverside	.0804
A. F. G. San Juan Capistrano	.5488
A. F. G. Santa Paula	.5452
Hazeltine Packing Co.	.4001
Placentia Pioneer Valencia Growers Association	.6695
Signal Fruit Association	.1000
Azusa Citrus Association	.5012
Damerel-Allison Co.	.8187
Glendora Mutual Orange Association	.3934
Puente Mutual Orange Association	.1674
Valencia Heights Orchard Association	.4980
Covina Citrus Association	1.3420
Covina Orange Growers Association	.6598
Glendora Citrus Association	.4003
Glendora Heights Orange & Lemon Growers Association	.0529
Gold Buckle Association	.4899
La Verne Orange Association	.6459
Anaheim Citrus Fruit Association	1.4681
Anaheim Valencia Orange Association	1.5360
Eadington Fruit Co., Inc.	3.2225
Fullerton Mutual Orange Association	1.6032
La Habra Citrus Association	.8684
Orange County Valencia Association	.4177
Orangethorpe Citrus Association	1.0630
Placentia Cooperative Orange Association	1.0976
Yorba Linda Citrus Association, The	.7437
Escondido Orange Association	2.3443
Alta Loma Heights Citrus Association	.0666
Citrus Fruit Association	.1934
Cucamonga Citrus Association	.0911
Rialto Heights Orange Growers	.0556
Upland Citrus Association	.5093
Upland Heights Orange Association	.1625
Consolidated Orange Growers	2.0680
Frances Citrus Association	1.1032
Garden Grove Citrus Association	1.6608
Goldenwest Citrus Association	1.3138

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Irvine Valencia Growers	2.6013
Olive Heights Citrus Association	1.9801
Santa Ana-Tustin Mutual Citrus Association	.9366
Santiago Orange Growers Association	4.2014
Tustin Hills Citrus Association	1.7106
Villa Park Orchards Association, The	2.1029
Bradford Bros., Inc.	.7071
Placentia Mutual Orange Association	2.0116
Placentia Orange Growers Association	2.4073
Yorba Orange Growers Association	.5887
Call Ranch	.0609
Corona Citrus Association	.6783
Jameson Co.	.0514
Orange Heights Orange Association	.5202
Crafton Orange Growers Association	.2842
East Highlands Citrus Association	.0583
Fontana Citrus Association	.1265
Highland Fruit Growers Association	.0268
Redlands Heights Groves	.2470
Redlands Orangedale Association	.2549
Break & Sons, Allen	.0350
Bryn Mawr Fruit Growers Association	.1665
Mission Citrus Association	.1690
Redlands Cooperative Fruit Association	.3066
Redlands Orange Growers Association	.2084
Redlands Select Groves	.2225
Rialto Citrus Association	.1984
Rialto Orange Co.	.1674
Southern Citrus Association	.1595
United Citrus Growers	.1348
Zilen Citrus Co.	.0729
Andrews Bros. of Calif.	.0000
Arlington Heights Citrus Co.	.1169
Brown Estate, L. V. W.	.0000
Gavilan Citrus Association	.1612
Highgrove Fruit Association	.0807
Krind Packing Co.	.2348
McDermont Fruit Co.	.1813
Monte Vista Citrus Association	.2063
National Orange Co.	.0037
Riverside Heights Orange Growers Association	.0534
Sierra Vista Packing Association	.0477
Victoria Avenue Citrus Association	.1728
Claremont Citrus Association	.1430
College Heights Orange & Lemon Association	.3256
Indian Hill Citrus Association	.2012
Pomona Fruit Growers Exchange	.3621
Walnut Fruit Growers Association	.4609
West Ontario Citrus Association	.4306
El Cajon Valley Citrus Association	.1265
San Dimas Orange Growers Association	.3450
Canoga Citrus Association	.7051
Covina Valley Orange Co.	.0567
North Whittier Heights Citrus Association	.8254
San Fernando Fruit Growers Association	.5384
San Fernando Heights Orange Association	.9291
Sierra Madre-Lamanda Citrus Association	.4008
Camarillo Citrus Association	1.6695
Fillmore Citrus Association	4.2628
Mupu Citrus Association	2.1929
Ojai Orange Association	.9637
Piru Citrus Association	2.4788
Rancho Sespe	.8673
Santa Paula Orange Association	1.2492
Tapo Citrus Association	1.0125
Ventura County Citrus Association	.2128
Limoneira Co.	.5574

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
East Whittier Citrus Association	0.3619
El Ranchito Citrus Association	1.4497
Whittier Citrus Association	.6017
Whittier Select Citrus Association	.2887
Anaheim Cooperative Orange Association	1.4128
Bryn Mawr Mutual Orange Association	.0526
Chula Vista Mutual Lemon Association	.0000
Escondido Cooperative Citrus Association	.3341
Euclid Avenue Orange Association	.5301
Foothill Citrus Union, Inc.	.0330
Fullerton Cooperative Orange Association	.3130
Garden Grove Orange Cooperative, Inc.	1.0465
Golden Orange Groves, Inc.	.2025
Highland Mutual Groves, Inc.	.0254
Index Mutual Association	.1958
La Verne Cooperative Citrus Association	1.6020
Mentone Heights Association	.0296
Olive Hillside Groves, Inc.	.4865
Orange Cooperative Citrus Association	1.2074
Redlands Poothill Groves	.4907
Redlands Mutual Orange Association	.1447
Riverside Citrus Association	.0385
Ventura County Orange & Lemon Association	1.0083
Whittier Mutual Orange & Lemon Association	.1268
Associated Growers Cooperative	.1165
Babljucose Corp. of Calif.	.4850
Banks, L. M.	.6147
Borden Fruit Co.	.9352
California Associated Growers	.4247
California Fruit Distributors	.0000
Cherokee Citrus Co., Inc.	.1537
Chess Co., Meyer W.	.2970
Evans Bros. Packing Co.	.2380
Furr Co., N. C.	.0383
Gold Banner Association	.2146
Granada Hills Packing Co.	.0403
Granada Packing House	1.9283
Hill Packing House, Fred A.	.0952
Knapp Packing Co., John C.	.2277
Orange Belt Fruit Distributors	1.9723
Panno Fruit Co., Carlo	.1341
Paramount Citrus Association	.4901
Placentia Orchard Co.	.5330
San Antonio Orchard Co.	.3011
Snyder & Sons Co., W. A.	.8216
Stephens, T. F.	.1375
Wall, E. T.	.1046
Western Fruit Growers, Inc.	.3905

[F. R. Doc. 49-6452; Filed, Aug. 5, 1949; 11:45 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC DRUGS

PART 146—CERTIFICATION OF BATCHES OF PENICILLIN- OR STREPTOMYCIN-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463, 61 Stat. 11, and Pub. Law 164, 81st Cong., 1st Sess.; 21 U. S. C. 357), the

regulations for tests and methods of assay of antibiotic and antibiotic-containing drugs (12 F. R. 2215, 7997; 13 F. R. 436, 2475, 4186, 6015, 6749; 14 F. R. 886) and certification of antibiotic and antibiotic-containing drugs (12 F. R. 2231; 13 F. R. 2475, 2950; 14 F. R. 886, 1519) are amended as indicated below:

1. In § 141.7 (a) the seventh sentence is changed to read as follows:

§ 141.7 *Penicillin in oil and wax*—(a) *Potency*. * * * The sample may also be prepared by transferring aseptically 1.0 ml. of the penicillin in oil and wax to a blending jar containing 100 ml. of 1% phosphate buffer at pH 6.0. * * *

2. Section 141.9 (a) is amended by changing the fifth and sixth sentences to read as follows:

§ 141.9 *Penicillin tablets*—(a) *Potency*. * * * The sample may also be prepared as follows: Place 12 tablets in a blending jar and add thereto approximately 200 ml. of a 500-ml. quantity of 1% phosphate buffer at pH 6.0. After blending for 1 minute with a high-speed blender add the remainder of the 500 ml. of buffer. * * *

3. Section 141.16 (a) is amended to read as follows:

§ 141.16 *Tablets aluminum penicillin*—(a) *Potency*. Proceed as directed in § 141.9 (a), using citrate buffer at pH 6.3 in lieu of phosphate buffer. The citrate buffer is of the following composition:

	Grams
Citric acid.....	52.9
Sodium hydroxide (pellets).....	28.25
Sodium citrate.....	388.0

Make up to 4000 ml. with distilled water.

4. Section 141.22 (a) is amended to read as follows:

§ 141.22 *Penicillin bougies*—(a) *Potency*. Proceed as directed in § 141.9 (a).

5. Section 141.24 (a) is amended to read as follows:

§ 141.24 *Aluminum penicillin*—(a) *Potency*. Proceed as directed in § 141.1 (a), using citrate buffer as prepared in § 141.16 (a) in lieu of phosphate buffer.

6. Section 141.29 (a) is amended to read as follows:

§ 141.29 *Procaine penicillin for aqueous injection*—(a) *Potency*. Proceed as directed in § 141.1, using a 50% acetone-water solution to dissolve the sample.

7. Section 141.32 (b) (1) is amended to read as follows:

§ 141.32 *Procaine penicillin and buffered crystalline penicillin for aqueous injection*. * * *

(b) *Buffered crystalline penicillin content*—(1) *Preparation of sample*. Add the indicated amount of distilled water to the contents of a vial of the sample and shake well. Withdraw 1.0 ml. of the suspension with a hypodermic syringe and place in a 15-ml. centrifuge tube. Add 9.1 ml. of 20% sodium sulfate solution, shake well, and centrifuge to obtain a clear solution.

8. Section 141.32 (b) (3) (i) is amended to read as follows:

(3) *Colorimetric determination of procaine penicillin*. (i) Transfer a 2.0-ml. aliquot of the solution prepared in subparagraph (2) of this paragraph to a 50-ml. volumetric flask and add 8.0 ml. of distilled water. Determine the quantity of procaine penicillin in this solution by the following method:

9. Section 141.32 (b) (3) (iii) is amended to read as follows:

(iii) *Standard curve*. Prepare a standard solution containing 27.55 mg. of procaine hydrochloride U. S. P. in a liter of distilled water (each milliliter of the standard solution is equivalent to 60 units of procaine penicillin). Transfer, respectively, 1.0, 2.0, 3.0, 4.0, and 5.0 ml. of the standard solution and 5.0 ml. of distilled water to each of six 25-ml. volumetric flasks. Add 4.0, 3.0, 2.0, and 1.0 ml. of water to the first four flasks, respectively, to give each a volume of 5.0 ml. To each flask add 0.5 ml. of 4N HCl, 1.0 ml. of the sodium nitrite solution, 1.0 ml. of the ammonium sulfamate, and 1.0 ml. of the N-(1-naphthyl)-ethylenediamine solution, with mixing after each addition. Make each flask to volume of 50 ml. with distilled water. Read the percent light transmission of the colored solutions using a 2.0-cm. cell and a 550 m μ filter in a suitable photoelectric colorimeter. The instrument is balanced so that the zero concentration reads 100% light transmission. Prepare a standard curve on semilog paper, plotting the percent light transmission on the logarithmic ordinate scale and the concentration of units of procaine penicillin on the abscissa.

10. Section 141.32 (b) (3) (iv) is amended to read as follows:

(iv) *Procedure*. By means of a volumetric pipette transfer to a 50-ml. volumetric flask 2.0 ml. of the solution prepared in subparagraph (2) of this paragraph. Add 0.5 ml. of 4N HCl, 1.0 ml. of the sodium nitrite solution, 1.0 ml. of the ammonium sulfamate solution, and 1.0 ml. of the N-(1-naphthyl)-ethylenediamine solution with mixing after each addition. Make to 50 ml. with distilled water. Set the colorimeter at 100% light transmission with the 0% concentration blank as directed above and obtain the percent light transmission of the sample. The concentration obtained directly from the standard curve corresponding to the percent light transmission of the sample equals the concentration of procaine penicillin in 2 ml. of the solution prepared in subparagraph (2) of this paragraph. The content of buffered crystalline penicillin in 1.0 ml. of the suspension is equal to the difference between the total number of units of penicillin in 2.0 ml. of the solution as determined by subparagraph (2) of this paragraph and the total number of units of procaine penicillin in 2.0 ml. of this same solution as determined above, multiplied by 50. The content of buffered crystalline penicillin in the batch is satisfactory when determined by the method described in this paragraph if it is not less than 85% of that which it is represented to contain.

11. Section 141.34 (a) is amended to read as follows:

§ 141.34 *Procaine penicillin and crystalline penicillin in oil*—(a) *Total potency*. Proceed as directed in § 141.27 (a) or by the iodometric assay procedure described in § 141.5 (e), using in the latter procedure a 0.5-ml. aliquot of the solution prepared as follows: Introduce 1 ml. of the well-shaken sample, by means of a hypodermic syringe, into a 50-ml. volumetric flask. Make to 50 ml. with chloroform-absolute alcohol (1+1) solvent and shake well.

12. Section 141.34 (b) is amended to read as follows:

(b) *Crystalline penicillin*. Proceed as directed in § 141.32 (b), except prepare the sample as follows: Introduce 1 ml. of the well-shaken sample, by means of a hypodermic syringe, into a 30-ml. centrifuge tube equipped with a screw cap. Add 10.0 ml. of chloroform and 10.0 ml. of a 20% sodium sulfate solution, shake well for about 1 minute and centrifuge to obtain a clear upper layer.

13. Section 141.34 (c) is amended to read as follows:

(c) *Procaine penicillin*. The difference between the total penicillin as determined by paragraph (a) of this section and the crystalline penicillin as determined by paragraph (b) of this section represents the amount of procaine penicillin present.

14. In § 141.108 *Dihydrostreptomycin sulfate, crystalline dihydrostreptomycin sulfate*, subparagraph (1) (ii) of paragraph (b) *Content of streptomycin sulfate or streptomycin hydrochloride*, is amended by changing the figures "0.05%" and "0.5" to "0.25%" and "2.5," respectively.

15. Section 141.108 (b) (2) and (3) are amended to read as follows:

(2) *Standard curve*. Prepare a stock aqueous solution of the Food and Drug Administration working standard containing 1.0 mg. of streptomycin base per milliliter. Store this standard solution in the refrigerator and use for no longer than 2 weeks. Transfer 1.0, 2.0, 3.0, 4.0, and 5.0 ml. of this standard solution and 10 ml. of distilled water to each of six 25-ml. volumetric flasks. Add 9.0, 8.0, 7.0, and 6.0 ml. of distilled water to the first four tubes, respectively, to give each a total volume of 10 ml. To each add 2.0 ml. of 1N NaOH and then heat the flasks in a boiling water bath for 10 minutes. Cool the flasks in ice water for 3 minutes and acidify the solutions with 2.0 ml. of 1.2N HCl. To each flask add 5.0 ml. of 0.25% ferric chloride reagent, make to volume with distilled water, and mix thoroughly. Transfer the colored solutions to 2.0-cm. absorption cells and measure the percent light transmission at 550 m μ in a suitable photoelectric colorimeter. Set the colorimeter at 100% light transmission for the zero concentration and then obtain the percent light transmission of the sample. Prepare a standard curve on semilog paper, plotting the percent light transmission on the logarithmic ordinate scale and the concentration of streptomycin base on the abscissa.

(3) *Procedure.* Dilute the contents of a 1-gm. vial to 50 ml. with distilled water (dilute vials containing larger quantities to make solutions having the same concentration). Transfer a 10-ml. aliquot of this solution to a 25-ml. volumetric flask, add 2.0 ml. of 1N NaOH and heat in a boiling water bath for 10 minutes. Cool in ice water for 3 minutes and acidify the solution with 2.0 ml. of 1.2N HCl. Add 5.0 ml. of 0.25% ferric chloride reagent. Make to volume with distilled water. Transfer the colored solution to a 2.0-cm. absorption cell and measure the percent light transmission at 550 mμ in a suitable photoelectric colorimeter. Set the colorimeter at 100% light transmission for the zero concentration and then obtain the percent light transmission of the sample. The concentration of streptomycin obtained directly from the standard curve corresponding to the percent light transmission of the sample, times 500, divided by the total milligrams per vial obtained by biological assay, equals the percent of streptomycin.

15. In § 146.27 *Penicillin tablets*, paragraph (b) *Packaging* is amended by adding the following new sentence: "If the penicillin tablets are freely soluble, each immediate container may be packaged in combination with one immediate container of suitable and harmless aqueous vehicle."

16. In § 146.27, subparagraph (3) (iii) of paragraph (d) *Certification; samples* is amended by changing the period at the end thereof to a comma, and adding the following clause: "and if the batch or any part thereof is to be packaged in combination with an aqueous vehicle, or when any change is made in the composition of such vehicle, five packages of the vehicle included in the combination."

17. In § 146.47 *Procaine penicillin for aqueous injection*, paragraph (b) *Packaging* is amended by deleting the words "which meet the test for glass containers of Type I or Type II prescribed by the U. S. P."

This order, which provides for changes in the tests and methods of assay for the determination of the potency of penicillin in oil and wax, penicillin tablets, tablets aluminum penicillin, penicillin bougies, aluminum penicillin, procaine penicillin for aqueous injection, procaine penicillin and buffered crystalline penicillin for aqueous injection, and procaine penicillin and crystalline penicillin in oil; and for determining the streptomycin content of dihydrostreptomycin sulfate and dihydrostreptomycin hydrochloride; and further provides, under the certification procedure, for the packaging of an aqueous vehicle with penicillin tablets, and for the use of glass containers other than Type I or Type II, as defined in the United States Pharmacopoeia, for the packaging of procaine penicillin for aqueous injection, shall become effective immediately upon publication in the FEDERAL REGISTER, since both the public and the penicillin industry will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order and would be contrary to public interest, and I so find, since it was drawn in collaboration with inter-

ested members of the affected industry, and since it would be against public interest to delay providing for changes in the tests and methods of assay for the determination of the potency of penicillin in oil and wax, penicillin tablets, tablets aluminum penicillin, penicillin bougies, aluminum penicillin, procaine penicillin for aqueous injection, procaine penicillin and buffered crystalline penicillin for aqueous injection, and procaine penicillin and crystalline penicillin in oil; for determining the streptomycin content of dihydrostreptomycin sulfate and dihydrostreptomycin hydrochloride; for the packaging of an aqueous vehicle with penicillin tablets, and for the use of glass containers other than Type I or Type II, as defined in the United States Pharmacopoeia, for the packaging of procaine penicillin for aqueous injection.

(52 Stat. 1040, as amended; 21 U. S. C. 357)

Dated: July 29, 1949.

[SEAL]

JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 49-6387; Filed, Aug. 5, 1949;
8:46 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg.,¹ Amdt. 140]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

WISCONSIN

The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) is hereby amended in the following respect:

Schedule A, Items 359a to 367b are amended to read as follows:

(359a-367b) [Revoked and decontrolled.]

This decontrols from §§ 825.81 to 825.92 all Defense-Rental Areas or portions thereof, located in the State of Wisconsin, in accordance with the provisions of section 204 (j) (1) of the Housing and Rent Act of 1947, as amended.

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37, 94, and Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d))

This amendment shall become effective August 5, 1949.

Issued this 3d day of August 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49-6393; Filed, Aug. 5, 1949;
8:47 a. m.]

¹ 13 F. R. 5750, 5789, 5875, 5937, 5938, 6247, 6283, 6411, 6556, 6882, 6911, 7299, 7672, 7801, 7862, 8218, 8219, 8328, 8388; 14 F. R. 18, 272, 337, 457, 627, 682, 695, 857, 918, 978, 1083, 1345, 1520, 1570, 1582, 1587, 1669, 1670, 1734, 1759, 1869, 1932, 2061, 2062, 2085, 2176, 2237, 2413, 2440, 2441, 2545, 2607, 2608, 2695, 2746, 2761, 2796, 3079, 3121, 3153, 3201, 3234, 3280, 3311, 3353, 3400, 3451, 3468, 3494, 3555, 3617, 3675, 3705, 3746, 3772, 3811, 3812, 3849, 3993, 4482, 4451, 4452, 4617, 4668, 4751, 4752, 4790, 4804.

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg.,¹ Amdt. 141]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

OKLAHOMA

The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) is hereby amended in the following respect:

Schedule A, Item 250, is amended to describe the counties in the Defense-Rental Area as follows:

Oklahoma, except the City of Bethany.
Canadian, except the City of Yukon.

This decontrols from §§ 825.81 to 825.92 (1) the City of Norman, Cleveland County, Oklahoma, a portion of the Oklahoma City, Oklahoma, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, and (2) the remainder of said Cleveland County, on the Housing Expediter's own initiative in accordance with section 204 (c) of said act.

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37, 94, Pub. Law 31, 81st Cong. 50 U. S. C. App. 1894 (d))

This amendment shall become effective August 3, 1949.

Issued this 3d day of August 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49, 6395; Filed, Aug. 5, 1949;
8:47 a. m.]

[Controlled Housing Rent Reg.,² Amdt. 143]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

WISCONSIN

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) is amended in the following respect:

Schedule A, Items 359a to 367b are amended to read as follows:

(359a-367b) [Revoked and decontrolled.]

This decontrols from §§ 825.1 to 825.12 all Defense-Rental Areas or portions thereof, located in the State of Wisconsin, in accordance with the provisions of section 204 (j) (1) of the Housing and Rent Act of 1947, as amended.

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d))

This amendment shall become effective August 5, 1949.

Issued this 3d day of August 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49-6392; Filed, Aug. 5, 1949;
8:47 a. m.]

² 13 F. R. 5706, 5783, 5788, 5789, 5877, 5937, 6246, 6283, 6411, 6556, 6881, 6910, 7299, 7671, 7801, 7862, 8217, 8218, 8327, 8386; 14 F. R. 93, 143, 271, 337, 456, 627, 682, 695, 856, 918, 979, 1005, 1083, 1345, 1394, 1519, 1570, 1571, 1587, 1666, 1667, 1733, 1760, 1823, 1868, 1932, 2059, 2060, 2084, 2176, 2233, 2412, 2441, 2545, 2605, 2607, 2695, 2746, 2761, 2796, 3079, 3120, 3152, 3200, 3234, 3280, 3311, 3353, 3399, 3451, 3467, 3494, 3556, 3617, 3672, 3673, 3704, 3705, 3745, 3773, 3813, 3848, 3992, 4481, 4450, 4451, 4618, 4749, 4750, 4789.

[Controlled Housing Rent Reg.,¹ Amdt. 144]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

OKLAHOMA

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) is amended in the following respects:

Schedule A, Item 250, is amended to describe the counties in the Defense-Rental Area as follows:

Oklahoma, except the City of Bethany.
Canadian, except the City of Yukon.

This decontrols from §§ 825.1 to 825.12 (1) the City of Norman, Cleveland County, Oklahoma, a portion of the Oklahoma City, Oklahoma, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, and (2) the remainder of said Cleveland County, on the Housing Expediter's own initiative in accordance with section 204 (c) of said act.

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d))

This amendment shall become effective August 3, 1949.

Issued this 3d day of August 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49-6394; Filed, Aug. 5, 1949; 8:47 a. m.]

TITLE 34—NATIONAL MILITARY ESTABLISHMENT

Chapter VII—Department of the Air Force

Subchapter G—Personnel

PART 883—ENLISTMENT IN GRADES APPROPRIATE TO TRAINING AND EXPERIENCE

Sec.

- 883.1 Purpose.
- 883.2 Eligibility.
- 883.3 Grade determination for former enlisted personnel.
- 883.4 Grade determination for former commissioned, warrant and flight officers.
- 883.5 Enlistment without prior service and those separated more than 36 months.
- 883.6 Date of rank.
- 883.7 Grade adjustments.
- 883.8 Assignment.
- 883.9 Retention of grades.

AUTHORITY: §§ 883.1 to 883.9 issued under 61 Stat. 191, secs. 207 (f), 208 (e), 61 Stat. 503, 504; 10 U. S. C. Sup. II, 628, 5 U. S. C. Sup. II, 626 (f), 626c (e); Transfer Order 29, Dec. 10, 1948, 13 F. R. 8162.

DERIVATION: AFR 39-25, June 1, 1949.

¹ 13 F. R. 5706, 5783, 5788, 5789, 5877, 5937, 6246, 6283, 6411, 6556, 6881, 6910, 7299, 7671, 7801, 7862, 8217, 8218, 8327, 8386; 14 F. R. 93, 143, 271, 337, 456, 627, 682, 695, 856, 918, 979, 1,051, 1083, 1345, 1394, 1,419, 1570, 1571, 1587, 1666, 1667, 1733, 1760, 1823, 1868, 1932, 2059, 2060, 2084, 2176, 2233, 2412, 2441, 2545, 2605, 2607, 2695, 2746, 2761, 2796, 3079, 3120, 3152, 3200, 3234, 3280, 3311, 3353, 3399, 3451, 3467, 3494, 3556, 3617, 3672, 3673, 3704, 3705, 3745, 3773, 3813, 3848, 3992, 4450, 4451, 4481, 4618, 4749, 4750, 4789, 4803, 4804.

§ 883.1 Purpose. The regulations in this part provide a procedure whereby certain specialists who have received training and experience in the Army, Navy, Air Force, Coast Guard, or Marine Corps, or certain skilled civilians without prior service who are not otherwise eligible to enter the Air Force in grades higher than grade six may enlist in the Air Force in grades commensurate with their prior training and experience.

§ 883.2 Eligibility. In addition to being qualified for enlistment under the provisions of Part 571 (14 F. R. 2792), all applicants must:

(a) Within the 36-month period immediately preceding date of enlistment, except as provided in § 883.5, have completed at least six months service in one of the armed services (Army, Navy, Air Force, Coast Guard, or Marine Corps), which was terminated by separation under honorable conditions.

(b) Enlist for a three, four, five or six-year period.

§ 883.3 Grade determination for former enlisted personnel. (a) To evaluate properly the applicant's expected value to the service, three factors will be considered in making grade determination. They are: Military Occupational Specialty or rating held at time of discharge, grade held at time of discharge, and time elapsed since discharge from last period of service. As used in this part, the last period of active service will be construed to mean the last extended period of active service as distinguished from short periods of Enlisted Reserve active duty training. Enlistment in a grade higher than grade held at time of last discharge or release from active service, or in grade six or lower, under the provisions of the regulations in this part is prohibited. Grades will be determined on the basis of Military Occupational Specialty and grade held at time of discharge, and the time which has elapsed since such discharge, as follows:

(1) If enlistment is accomplished within 12 months from date of last discharge, the enlistment will be accomplished in a grade which is at least one grade lower than that held at time of discharge, but not higher than that prescribed for the Military Occupational Specialty under which enlistment is made.

(2) If enlistment is accomplished after 12 months and within 24 months from date of last discharge, the enlistment will be accomplished in a grade which is at least two grades lower than that held at time of discharge but not higher than that prescribed for the Military Occupational Specialty under which enlistment is made.

(3) If enlistment is accomplished after 24 months and within 36 months from date of last discharge, the enlistment will be accomplished in a grade which is at least three grades lower than that held at time of discharge but not higher than that prescribed for the Military Occupational Specialty under which enlistment is made.

(4) Individuals with prior service who have been discharged more than 36

months are not eligible for enlistment under this section.

§ 883.4 Grade determination for former commissioned, warrant, and flight officers. (a) Individuals whose last service was in the status of officer, warrant officer, or flight officer in the Army or the Air Force, or in an equivalent grade in the Navy, the Marine Corps, or the Coast Guard, who possess a Military Occupational Specialty needed by the Air Force, and who have been relieved from active duty less than 36 months may be enlisted under the provisions of this part.

(b) A copy of WD AGO Form 100 (Army Separation Qualification Record) together with any other documents which outline applicant's qualifications will accompany application for grade determination of former officers, warrant officers, and flight officers. The Deputy Chief of Staff, Personnel, will determine the grade in which applicant is entitled to enlist and will return the application to place of origin with grade authorization and assignment instructions. Grade authorizations granted under this paragraph are valid for a period of 60 days, after which time new authorizations must be obtained before enlistment can be accomplished.

§ 883.5 Enlistment without prior service and those separated more than 36 months. (a) Individuals without prior military or naval service, and those having military or naval service but who have been honorably separated more than 36 months and who possess a job specialty equivalent to the Military Occupational Specialties needed by the Air Force may be enlisted in the Air Force under the provisions of this section. For enlistment under this section, an applicant must apply at an Air Force base for interview by the commanding officer thereof, or his designated representative. The interview will be conducted for the purpose of determining the applicant's degree of skill and the desirability of enlisting him in the Air Force. Upon completion of the interview, the applicant will return to his home and final determination of his eligibility for enlistment will be made and appropriate instructions furnished direct to him by the Chief of Staff, United States Air Force. The travel performed in connection with the interview will be at no expense to the Government.

(b) Applicants will be given oral trade tests and a practical on-the-job examination in the Military Occupational Specialty in which the applicant claims he is qualified.

(c) Applicants reporting for interview will have in their possession all supporting documents which will establish and verify their claims relative to identity, educational and technical qualifications, and experience in a particular technical specialty or job field. Letters of recommendation or any other documents which indicate individual's potential value to the Air Force may be included.

(d) The commanding officer of the Air Force base at which interview is accomplished will make recommendation to the Director of Military Personnel,

Headquarters United States Air Force, Attention: Personnel Procurement Division, Washington 25, D. C., as to the suitability of the applicant for enlistment and the grade in which the enlistment should be accomplished. The Deputy Chief of Staff, Personnel, will review each application, together with recommendations of interviewing officers, and will notify all applicants by letter of the grade in which they are authorized to enlist and appropriate enlistment and assignment instructions.

(e) The applicant may take the letter of grade authorization to the nearest recruiting station, or recruiting main station, or Air Force base within a period of 60 days from the date of the letter, and if otherwise qualified, be enlisted.

§ 883.6 *Date of rank.* The date of rank for personnel enlisted under the provisions of this part will be the date of enlistment.

§ 883.7 *Grade adjustments.* The provisions of this part are applicable to enlistment grades only and enlistments will not be made with a view toward future adjustments hereunder.

§ 883.8 *Assignment.* Initial assignment choice of men enlisting under the provisions of this part will be limited to Air Force, unassigned.

§ 883.9 *Retention of grades.* Retention of the grades in which men are enlisted hereunder is dependent upon their ability to perform satisfactorily the duties of the grade in the Military Occupational Specialty for which enlisted. Reasonable efforts will be made within the first six months to develop their capabilities to the degree necessary for the proper performance of their duties. At the end of this period, appropriate action will be taken under pertinent regulations to effect reduction, to grade six or to any appropriate higher grade, of those men who fail to demonstrate ability commensurate with the grade in which enlisted.

[SEAL]

L. L. JUDGE,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 49-6384; Filed, Aug. 5, 1949;
9:00 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 598]

UTAH

REVOKING EXECUTIVE ORDER OF MARCH 31, 1904

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

The Executive order of March 31, 1904, withdrawing the following-described land for the use of the Weather Bureau is hereby revoked:

SALT LAKE MERIDIAN

Beginning at a point for corner No. 1, in the unsurveyed southwest quarter of section 36, township 34 south, range 19 west, Salt Lake Meridian, which point is N. 24 degrees 31 minutes W. 15 chains and 12 links distant from the quarter section corner on south line of said section 36, and 100 feet from the center of main track of the San Pedro, Los Angeles and Salt Lake Railroad, said point being also the north west corner of land of said railroad;

Running thence S. 25 degrees 10 minutes E., three chains and three links to corner No. 2, thence S. 64 degrees 50 minutes W., three chains and thirty links to corner No. 3, thence N. 25 degrees 10 minutes W. three chains and three links to corner No. 4, thence N. 64 degrees 50 minutes E., three chains and thirty links to place of beginning, containing one acre.

Except as to the revocation of the Executive order of March 31, 1904, and the return of the land to the administration of the Department of the Interior, the status of the land will not be changed until it is so provided by an order of classification to be issued by the Regional Administrator, Bureau of Land Management, Salt Lake City, Utah, opening the land to application under the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, with a ninety-day preference right period for filing such applications by veterans of World War II and others entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279-283), as amended.

J. A. KRUG,
Secretary of the Interior.

AUGUST 2, 1949.

[F. R. Doc. 49-6379; Filed, Aug. 5, 1949;
8:48 a. m.]

TITLE 46—SHIPPING

Chapter II—United States Maritime Commission

[Gen. Order 12, Revised]

PART 281—INFORMATION AND PROCEDURE REQUIRED UNDER OPERATING-DIFFERENTIAL SUBSIDY AGREEMENTS

Effective upon the commencement or resumption of subsidized operations on or after January 1, 1947, the requirements under § 281.1 (G. O. 12, USMC, Aug. 26, 1937, and amendment I thereto, March 18, 1938), are hereby superseded and amended to read as follows:

§ 281.1 *Information and procedure required under the operating-differential subsidy agreement.* In compliance with the terms of the operating-differential subsidy agreement, the following information shall be submitted to the Commission by each operator who is a party to any such agreement.

(a) *Sailing schedules, routes, etc.* On or before the 15th day of each month there shall be submitted for approval by the Commission sailing schedules for all voyages proposed to be performed during the ensuing month in the service or services covered by the operator's subsidy agreement, such schedules to show, in respect to each voyage (1) name and type of vessel, indicating whether owned

or chartered, and, if chartered, from whom, (2) whether or not subsidy is desired, and (3) the anticipated sailing date and the date of each intended call at ports on the route. Five copies of such schedules shall be sent to the Secretary, United States Maritime Commission.

Similarly, there shall be submitted revised schedules, clearly indicated as such, dated and serially numbered, to reflect proposed and actual changes in itineraries. Completed voyage schedules should be marked "Final."

(b) *Condition of vessels, inspection and repairs.* In order that the Commission may have an opportunity to participate in the inspection of the vessels, the operator is required to give at least twenty-four hours' notice to the Commission as to the time and place of making inspections. In the event the Commission's representative is not available, the operator shall employ an independent surveyor, who shall be satisfactory to the Commission, and proceed with inspection, and a report thereof shall be made to the Commission on USMC Form M&R-100-B, sworn to by persons making the inspection.

The operator shall give due notice to the Local Manager, Division of Maintenance and Repair, at the port at which the vessel is to be available, of the port, date and time for the making of repairs or replacements in the United States.

In connection with further requirements, reference is made to General Order 20 and supplements thereto for more detailed instruction.

Vessel repairs are to be performed within the continental limits of the United States, except in emergency cases the necessity for which the operator should be prepared to justify upon audit.

(c) *Insurance.* Immediately upon the binding of any insurance with respect to any vessel covered by the operator's subsidy agreement, there shall be submitted to the Division of Insurance of the Bureau of Finance, for the Commission's approval, a signed copy of each cover note issued by the operator's brokers, which, to the extent applicable, shall set forth as to such vessel the amounts covered by hull, disbursements and other forms of total loss protection, as well as P&I insurance. Such cover notes shall include the rates, the amounts placed in the different markets, the companies interested, the policy numbers and the amount underwritten by each policy; also, there shall be shown the amount of the deductible average, if any. Upon request, policies shall be submitted to the Commission for examination and return.

The Commission shall be advised promptly of any cancellation, changes in terms, or companies interested, and of any lay-up periods which will permit of the collection of return premiums, and of any major casualty or total loss which may occur.

Insurance arranged in conformity with the requirements of applicable mortgages held by the United States will be deemed sufficient to comply with the requirements of the operator's operating-differential subsidy agreement.

The Commission, furthermore, wishes to emphasize its desire that as much of the American Merchant Marine insurance coverage as is practicable be placed in the American insurance market. Therefore, when a renewal of policies or new insurance is under negotiation by an operator subject to the provisions of this order, it is urgently requested that particular attention be given to the Commission's desire as herein expressed with regard to markets in which such insurance may be placed, and that the Commission be notified in ample time to give consideration to the pertinent facts and circumstances of each case, so that prior to the attachment of such insurance, approval thereof or suggested changes may be indicated.

(d) *Inventories.* Twenty-four hours' notice shall be given to the Commission as to the time and place of inventorying classification-required spare parts, ship's spare equipment, fuel and stores as are customarily inventoried and the cost of which is charged to the voyage accounts. If, upon giving the above-required notice, the Commission's representatives are not present, the operator is to proceed with his inventory in the normal way. The operator may use his own inventory forms, one copy of which shall be sworn to by the persons taking the inventory, and included in the voyage accounting.

(e) *Partial payments on account.* When partial payments are desired on account of operating-differential subsidy accruals, the operator should communicate with the Chief, Bureau of Finance, who shall forward necessary instructions and forms to be used.

(f) *Current financial reports.* Current financial reports are to be submitted by each operator in the manner described below:

(1) *Balance sheet.* To be prepared as of March 31st, June 30th, September 30th and December 31st of each calendar year, in conformity with the specimen appended to the uniform system of accounts prescribed in General Order 22, and submitted as soon as practicable but not later than seventy-five (75) days after each of the aforesaid dates.

(2) *Income sheet.* (i) An income sheet shall be prepared for each calendar month, in conformity with the specimen appended to the uniform system of ac-

counts prescribed in General Order 22, and submitted not later than thirty (30) days after the end of each month. The purpose of this income sheet is to obtain currently a reasonably accurate reflection of the operating result of each month. In the preparation thereof, estimated amounts may be used where necessary.

(ii) An income sheet shall be prepared for the period January 1 to March 31 of each calendar year, and from January 1 to the end of each succeeding quarter of the calendar year, in conformity with the specimen appended to the uniform system of accounts prescribed in General Order 22, and submitted as soon as practicable but not later than seventy-five (75) days after the end of the respective periods. These statements shall include completed voyage accountings for all voyages which terminated during the period.

(3) *Vessel operating statements—(i) Summary statements.* Summary statements are to be submitted quarterly and in the preparation thereof, the instructions outlined in paragraph (2) (ii) of the preceding caption shall apply. The amounts shown in the principal summary statement for the revenue and expense of the voyages which terminated during the period should agree with the totals reflected in the income sheet for Accounts 600 and 700.

In addition to the principal summary statement mentioned in the preceding paragraph, separate summary statements are to be prepared as outlined in footnotes (1) and (3) on the vessel operating statement appended to General Order 22.

(ii) *Individual voyage statement.* A separate vessel operating statement shall be submitted for each terminated voyage and should be prepared in conformity with the specimen voyage operating statement appended to General Order 22. The statements for the voyages which terminated during the first quarter should accompany the income sheet for that period, but, when submitting the income sheet showing accumulated results from January 1st to June 30th, September 30th and December 31st, respectively, these should be accompanied by individual voyage statements for the

terminations that occurred during the last three months of the period only.

(iii) *Subsequent adjustments to individual voyages.* In addition to submitting voyage statements for those voyages which terminated during the current quarterly period, the operator should also submit, on a single statement, a summary of the adjustments taken into account during the current quarterly period, but which were applicable to voyages that terminated during preceding quarterly periods of the current year.

At the final closing of each calendar year, a statement shall be prepared for all adjustments applicable to terminated voyages which have been recorded after the individual voyage statements were submitted. This statement shall be arranged by vessels and voyages and reflect the appropriate revenue and expense classifications. The total of the individual voyage statements submitted during the year, added to the total shown on the statement, should be in agreement with the amounts shown for Accounts 600 and 700 on the Income Sheet.

(4) *Number of statements required.* The statements aforementioned in subparagraphs (1), (2) and (3) (i) shall be submitted in triplicate, the statements aforementioned in subparagraph (3) (ii) and (iii) shall be submitted in quintuplicate, to the Secretary, United States Maritime Commission; *Provided*, That with respect to the calendar years 1947 and 1948 only, the requirement that monthly and quarterly income sheets, quarterly balance sheets and quarterly summary vessel operating statements, is modified by limiting the requirement to a semiannual basis for those years.

(g) *General.* All reports and other communications called for by the foregoing should be addressed to the Secretary, United States Maritime Commission, Washington 25, D. C.

(49 Stat. 2001-2007; 46 U. S. C. 1171-1180)

By order of the United States Maritime Commission.

Date: July 26, 1949.

[SEAL]

R. L. McDONALD,
Assistant Secretary.

[F. R. Doc. 49-6388; Filed, Aug. 5, 1949; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 201]

RULES AND REGULATIONS UNDER FEDERAL SEED ACT

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

Pursuant to the provisions of section 402 of the Federal Seed Act, as amended (7 U. S. C. 1592), notice is hereby given of intention to promulgate amendments, as hereinafter proposed, to the

rules and regulations of the Secretary of Agriculture (7 CFR 201.1-201.159) under said act. A public hearing with reference thereto will be held in Room 3709 in the South Building of the United States Department of Agriculture, Independence Avenue between Twelfth and Fourteenth Streets SW., Washington, D. C., at 10:00 a. m. on the 30th day of August 1949.

All interested persons are invited to attend this hearing and to offer comments with reference to the proposed amendments. Such comments may be presented orally or in writing. Any relative comments which cannot be made or presented in person at the hearing may

be transmitted by mail addressed to the Director, Grain Branch, Production and Marketing Administration, Washington 25, D. C., and will be considered if received on or before the 30th day of August 1949.

Mr. E. J. Murphy, Grain Branch, Production and Marketing Administration, is hereby designated as the presiding officer who shall conduct the aforesaid hearing, with power to do all things necessary and appropriate to the proper conduct of such hearing.

The proposed amendments are as follows:

In § 201.2 (h): Make the following changes in the column headed "Name of Seed":

Insert in proper alphabetical order: "Alfileria, *Erodium cicutarium*"; "Beggarweed, Florida, *Desmodium tortuosum*"; "Canary grass, *Phalaris canariensis*"; "Japanese lawn grass, *Zoysis japonica*"; and "Manilla grass, *Zoysis matrella*". Change line beginning with "Barley" to read: "Barley, *Hordeum vulgare*". Under "Beans" change line beginning with "Velvet" to read: "Velvet, *Stizolobium utile* deeringianum Bort." Change line beginning with "Buckwheat" to read: "Buckwheat, common, *Fagopyrum esculentum* Gaertn." Change line beginning with "Carpet" to read: "Carpet grass, *Axonopus affinis* Chase."

In § 201.4: Insert between the second and third sentences the following sentence: "Each sample retained shall be at least the weight required for a noxious-weed seed examination as set forth in § 201.46."

In § 201.31: Change the first sentence to read: "The following germination standards for vegetable seeds in interstate commerce, which shall be construed to include hard seed, are determined and established under section 403 (c) of the act." Delete the footnote. Delete the footnote reference "1" appearing in the lines beginning with "Asparagus" and "Okra". Change the line beginning with "Cress, garden" to read: "Cress, garden—60". Change the line beginning with "Cress, water" to read: "Cress, water—40". Change the line beginning with "Beans (except lima)" to read: "Beans (except lima and round-podded bush varieties)—75". Add "Beans (round-podded bush)—70".

Change § 201.37 to read:

§ 201.37 *Authorization*. When authorized by the Administrator of the Production and Marketing Administration, or such other person as may be designated by him for the purpose, Federal employees and qualified State officials, for the purposes of the act, may draw

samples of, secure information and records pertaining to, and otherwise inspect seeds and screenings subject to the act.

In § 201.43: Change the introductory clause to read: "The following are minimum sizes of samples of agricultural seed, vegetable seed and screenings to be submitted for analysis, test, or examination:"

Add a paragraph (f) to read:

(f) Vegetable seed samples shall consist of at least 400 seeds.

In § 201.46: In Table 1 make the following changes:

Insert the following lines in proper alphabetical order:

Alfileria— <i>Erodium cicutarium</i>	5	50	441
Beggarweed, Florida— <i>Desmodium tortuosum</i>	5	50	442
Canary grass— <i>Phalaris canariensis</i>	25	150	150
Japanese lawn grass— <i>Zoysis japonica</i>	2	50	3,012
Manilla grass— <i>Zoysis matrella</i>	2	50	-----

In the column headed "Approximate number of seeds per gram," insert the figures "550" with reference to the clover "Bur—*Medicago arabica* (out of bur)" and substitute the figure "375" in lieu of the figure "303" with reference to the clover "Bur—*Medicago hispida* (out of bur)." In the lines under "Bentgrass" beginning with "Astoria," "Colonial," "Creeping," "Highland," and "Velvet" and in the lines beginning with "Dropseed, sand" and "Redtop," change the number of grams in the column headed "Minimum weight for purity analysis" from "1" to "1/2."

In the column headed "Name of seed," change the name "Buckwheat—*Fagopyrum vulgare*" to "Buckwheat—*Fagopyrum esculentum*," and under the heading "Fescue" change the name "Meadow—*Festuca elatior* and var. *arundinacea*" to "Meadow—*Festuca elatior* including var. *arundinacea*."

In the line beginning with "Dallis grass" change the number of grams in the column headed "Minimum weight for purity analysis" from "2" to "5" and change the number in the column under the heading "Approximate number of seeds per gram" from "485" to "592."

Change § 201.48 to read: "The pure seed shall include all seeds of each kind, variety, or type under consideration present in excess of 5 percent of the whole, whether shriveled, cracked, or otherwise injured, and pieces of seeds that are larger than one-half of the original size, whether broken, insect-damaged, or diseased, except seeds of legumes and species of Brassica with the seed coats entirely removed."

Change § 201.49 to read: "Seeds of plants grown as crops (other than the kind, variety, or type included in the pure seed) each kind, variety, or type of which is present in a proportion to the whole of 5 percent or less, whether shriveled, cracked, or otherwise injured, and pieces of seeds larger than one-half of the original size, whether broken, insect-damaged, or diseased, shall be considered other crop seeds unless recognized as weed seeds, except that seeds of legumes and species of Brassica with the seed coats entirely removed shall not be considered other crop seeds."

In § 201.51 (a): After the word "blue-stems" ", tall meadow oat grass."

In § 201.51 (b) (2): Delete the word "usually."

In § 201.51 (c): Add to the end of the sentence the words "and other material not seed."

Change § 201.54 to read: "At least 400 seeds shall be tested for germination except that in mixtures, 200 seeds of each of those kinds present to the extent of 15 percent or less may be used in lieu of 400, in which case an additional 2 percent is to be added to the regular germination tolerances." The seeds shall be tested in replicate tests of 100 seeds or less.

In § 201.58: Change table 2 to read as follows:

TABLE 2—METHODS OF TESTING FOR LABORATORY GERMINATION AND HARD SEED

Name of seed	Substrate ¹	Temperature ²	First count ³	Final count	Remarks
<i>Agricultural seed</i>		° C.	Days	Days	
Alfalfa— <i>Medicago sativa</i>	R, S.....	20	4	17	Clip seeds. Light at 30° C.; remove all glumes with aid of sharp scalpel; fresh and dormant seed lightly scratch surface of caryopsis and use KNO ₃ . ⁴ Fresh and dormant seed prechill 5 days at 5° or 10° C. ⁵
Alfileria— <i>Erodium cicutarium</i>	B.....	20-30	3	14	
Bahia grass— <i>Paspalum notatum</i>	P.....	30-35	3	21	
Barley— <i>Hordeum vulgare</i>	T, S.....	20	4	7	Watch for abnormal; open the cotyledons if plumule is not visible. Abnormal seedlings in beans include seedlings without a terminal bud or growing point of the stem ("baldheads") and seedlings with both primary leaves absent even though the terminal bud or growing point is present ("snakeheads"). Such abnormal seedlings are not to be included in determining the percentage of germination.
Bean:					
Adzuki— <i>Phaseolus angularis</i>	R, S.....	20-30	4	10	
Field— <i>Phaseolus vulgaris</i>	R, S.....	20-30	5	18	Soak in water 2 hours before testing, using at least 250 cc. water per 100 "seeds"; wash in running water after soaking and blot surface dry. Samples producing darkened radicles should be retested in sand or soil or by washing in running water for 3 hours and testing on 0.3 inch thick "Kim-pak" containing 85 cc. water per 9" x 9" square on top of moistened blotters, keeping seed covered with slightly moist blotters.
Mung— <i>Phaseolus aureus</i>	R, S.....	20-30	3	17	
Velvet— <i>Stizolobium utile</i>	S.....	20-30	3	14	
Beet, field (Mangel)— <i>Beta vulgaris</i>	B.....	20-30	3	14	Light, KNO ₃ . ⁴ fresh seed KNO ₃ 10-30° C., and approximately 100 foot-candles of light. Light, KNO ₃ . ⁴ Do. Do.
Beggarweed, Florida— <i>Desmodium tortuosum</i>	B.....	30	5	28	
Bentgrass:					
Colonial, Astoria and Highland— <i>Agrostis tenuis</i>	P.....	20-30	7	28	Light, KNO ₃ . ⁴ Do. Do.
Creeping (seaside)— <i>Agrostis palustris</i>	P.....	20-30	7	28	
Other bentgrasses— <i>Agrostis</i> spp.....	P.....	20-30	7	21	
Bermuda grass— <i>Cynodon dactylon</i>	P.....	20-35	7	21	

See footnotes at end of table.

TABLE 2—METHODS OF TESTING FOR LABORATORY GERMINATION AND HARD SEED—Continued

Name of seed	Substrata ¹	Temperature ²	First count ³	Final count	Remarks
Bluegrass:					
Annual— <i>Poa annua</i>	P.....	20-30	7	21	Light.
Bulbous— <i>Poa bulbosa</i>	P, S.....	10	10	35	Prechill 1 week at 5° C. ⁴ KNO ₃ ⁴ or soil.
Canada— <i>Poa compressa</i>	P.....	15-30	10	28	Light, KNO ₃ ⁴ ; fresh seed KNO ₃ ⁴ 10-30° C. and approximately 100 foot-candles of light.
Kentucky— <i>Poa pratensis</i>	P.....	15-30	10	28	Light, 0.1% KNO ₃ ⁴ Prechill dormant seeds at 10° C. for 5 days. ⁴
Nevada— <i>Poa nevadensis</i>	P.....	20-30	7	21	Light, KNO ₃ ⁴
Rough— <i>Poa trivialis</i>	P.....	20-30	7	21	Light.
Texas— <i>Poa arachnifera</i>	P.....	20-30	7	28	Light, KNO ₃ ⁴ fresh and dormant seed prechill at 5° for 2 weeks. ⁵
Wood— <i>Poa memorialis</i>	P.....	20-30	7	28	Light.
Bluestem:					
Big— <i>Andropogon furcatus</i>	P, TS.....	20-30	7	28	Light, KNO ₃ ⁴ fresh and dormant seed prechill at 5° for 2 weeks.
Little— <i>Andropogon scoparius</i>	P, TS.....	20-30	7	28	Do.
Sand— <i>Andropogon hallii</i>	P, TS.....	20-30	7	28	Do.
Brome:					
Mountain— <i>Bromus marginatus</i>	P.....	20-30	6	14	Light.
Smooth— <i>Bromus inermis</i>	P, TB.....	20-30	6	14	Do.
Broomcorn— <i>Sorghum vulgare technicum</i>	B, S.....	20-30	3	10	
Buckwheat— <i>Fagopyrum esculentum</i>	B, T.....	20-30	3	6	
Buffalo grass— <i>Buchloe dactyloides</i>					
(Burs).....	P, TB, TS.....	20-35	7	28	Light, KNO ₃ ⁴ fresh and dormant seed prechill at 5° C. ⁴ for 6 weeks and germinate 14 additional days. ⁴
(Caryopses).....	P.....	20-35	5	14	Light, KNO ₃ ⁴
Canary grass— <i>Phalaris canariensis</i>	B.....	20-30	3	7	
Canary grass, reed— <i>Phalaris arundinacea</i>	P.....	20-30	5	21	Light; fresh and dormant seed KNO ₃ ⁴
Carpet grass— <i>Axonopus affinis</i>	P.....	20-35	10	21	Do.
Chickpea— <i>Cicer arietinum</i>	R, S.....	20-30	3	7	
Clovers:					
Alsike— <i>Trifolium hybridum</i>	B, S.....	20	3	7	Dormant seed 15° C. The germination temperature for clovers should never exceed 20° C. and a temperature of 17° to 18° is most desirable.
Alyce— <i>Alysicarpus vaginalis</i> K.....	B.....	35	4	21	At conclusion of 21 day test period carefully pierce seed coat of swollen seeds with needle or scalpel and continue test for 5 days.
Berseem— <i>Trifolium alexandrinum</i>	B, S.....	20	3	7	Dormant seed 15° C. The germination temperature for clovers should never exceed 20° C. and a temperature of 17° to 18° is most desirable.
Bur— <i>Medicago arabica</i> and <i>Medicago hispida</i>	B, T.....	20	4	14	Remove seeds from bur.
Cluster— <i>Trifolium glomeratum</i>	B.....	20	4	10	Dormant seed 15° C. The germination temperature for clovers should never exceed 20° C. and a temperature of 17° to 18° is most desirable.
Crimson— <i>Trifolium incarnatum</i>	B, S.....	20	4	7	Do.
Ladino— <i>Trifolium repens</i>	B, S.....	20	3	10	Do.
Large hop— <i>Trifolium procumbens</i>	B.....	20	4	14	Do.
Lappa— <i>Trifolium lappaceum</i>	B.....	20	3	7	Do.
Persian— <i>Trifolium resupinatum</i>	B.....	20	3	7	Do.
Red— <i>Trifolium pratense</i>	B, S.....	20	4	7	Do.
Sour— <i>Melilotus indica</i>	B.....	20	3	14	
Strawberry— <i>Trifolium fragiferum</i>	B.....	20	3	7	Do.
Subterranean— <i>Trifolium subterraneum</i>	B.....	20	4	14	Fresh and dormant seed 15° C. The germination temperature for clovers should never exceed 20° C. and a temperature of 17° to 18° is most desirable.
Suckling— <i>Trifolium dubium</i>	B.....	20	4	14	Dormant seed 15° C. The germination temperature for clovers should never exceed 20° C. and a temperature of 17° to 18° is most desirable.
Sweet— <i>Melilotus alba</i> and <i>M. officinalis</i>	S, B.....	20	4	7	
White— <i>Trifolium repens</i>	B, S.....	20	3	7	Do.
Corn: field—<i>Zea mays</i>.....	R, S.....	20-30	4	7	
Pop— <i>Zea mays everta</i>	R, S.....	20-30	4	7	
Cotton— <i>Gossypium</i> spp.....	T, S.....	20-30	4	12	Alternate method "Prewet" seed. ⁶
Cowpea— <i>Vigna sinensis</i>	R, S.....	20-30	5	8	Watch for weevil injury to plumule.
Crested dogtail— <i>Cynosurus cristatus</i>	P.....	20-30	10	21	Light; fresh and dormant seed prechill for 3 days at 5° or 10° C. ⁴
Crotalaria— <i>Crotalaria intermedia</i> , <i>C. juncea</i> , <i>C. lanceolata</i> , <i>C. spectabilis</i> and <i>C. striata</i>	B, S.....	20-30	4	10	
Dallis grass— <i>Paspalum dilatatum</i>	P.....	20-35	7	21	Light; fresh and dormant seed KNO ₃ ⁴
Dropsed, sand— <i>Sporobolus cryptandrus</i>	P.....	15-35	5	42	Light, KNO ₃ ⁴ dormant seed prechill at 5° C. for 4 to 8 weeks and germinate for 28 days. ⁵
Fescue:					
Hair— <i>Festuca capillata</i>	P.....	10-25	10	28	KNO ₃ ⁴
Meadow— <i>Festuca elatior</i>	P.....	20-30	5	14	Light.
Other fescues (fine leaved) <i>Festuca</i> spp.....	P.....	15-25	7	21	Alternate method: 20-30° C., light, test for 28 days.
Flax— <i>Linum usitatissimum</i>	B, S.....	20-30	3	7	
Giant panic grass— <i>Panicum antidotale</i>	P, TS.....	20-30	7	28	Light.
Gramin:					
Blue— <i>Bouteloua gracilis</i>	P, TB.....	20-30	7	28	Light; fresh and dormant seed KNO ₃ ⁴
Side-oats— <i>Bouteloua curtipendula</i>	P.....	15-30	7	28	Light, KNO ₃ ⁴
Guinea grass— <i>Panicum maximum</i>	P.....	20-30	10	28	Light.
Harding grass— <i>Phalaris tuberosa</i> var. <i>stenoptera</i>	P.....	10-30	7	28	Light; fresh and dormant seed KNO ₃ ⁴
Hemp—<i>Cannabis sativa</i>.....	B.....	20-30	3	7	
Indian grass— <i>Sorghastrum nutans</i>	P, TS.....	20-30	7	28	Light, KNO ₃ ⁴ fresh and dormant seed prechill at 5° C. for 2 weeks. ⁴
Japanese lawngrass— <i>Zoysia japonica</i>	P.....	20-30	10	28	Light, KNO ₃ ⁴
Johnson grass— <i>Sorghum halepense</i>	P.....	20-35	7	35	Light; fresh and dormant seed KNO ₃ ⁴
Kudzu— <i>Pueraria thunbergiana</i>	T.....	20-30	5	14	
Lespedeza:					
Common (Kobe)— <i>Lespedeza striata</i>	B, S.....	20-35	7	14	
Korean— <i>Lespedeza stipulacea</i>	B.....	20-35	5	14	
Sericea or Chinese— <i>Lespedeza sericea</i>	B, S.....	20-35	7	28	
Siberian— <i>Lespedeza hedysaroides</i>	B, S.....	20-35	7	21	
Lovegrass, weeping— <i>Eragrostis curvula</i>	P.....	20-25	5	14	Light; fresh and dormant seed KNO ₃ ⁴
Lupine:					
Blue— <i>Lupinus angustifolius</i>	R, S.....	20	4	10	
White— <i>Lupinus albus</i>	R, T.....	20	3	7	
Yellow— <i>Lupinus luteus</i>	R, T.....	20	7	21	
Manila grass— <i>Zoysia matrella</i>	P.....	20-30	10	28	Light, KNO ₃ ⁴
Meadow foxtail— <i>Alopecurus pratensis</i>	P.....	20-30	7	14	Light.
Medick, black— <i>Medicago lupulina</i>	B, S.....	20	4	7	
Millet:					
Browntop— <i>Panicum fasciculatum</i>	B.....	20-30	4	14	
Foxtail—Such as common, German, Hungarian, Siberian, or Golden— <i>Setaria italica</i>	B.....	20-30	4	10	
Japanese— <i>Echinochloa crusgalli frumentacea</i>	B.....	20-30	4	10	
Pearl— <i>Pennisetum glaucum</i>	B.....	20-30	3	7	
Proso— <i>Panicum miliaceum</i>	B.....	20-30	3	7	
Molasses grass— <i>Melinis minutiflora</i>	P.....	20-30	7	21	Do.
Mustard:					
Black— <i>Brassica nigra</i>	P.....	20-30	3	7	Light; fresh and dormant seed KNO ₃ ⁴ and prechill at 10° C. for 3 days. ⁴
White— <i>Brassica hirta</i>	P.....	20-30	3	5	Light.
Napier grass— <i>Pennisetum purpureum</i>	B.....	20-30	3	10	

See footnotes at end of table.

TABLE 2—METHODS OF TESTING FOR LABORATORY GERMINATION AND HARD SEED—Continued

Name of seed	Substrata ¹	Temperature ²	First count ³	Final count	Remarks
Oats—Avena spp.	T, S	20	5	10	Fresh and dormant seed prechill for 5 days at 5° or 10° C., extend final count from 10 to 12 days. ⁴
Oatgrass, tall—Arrhenatherum elatius	P	20-30	6	14	Light.
Orchard grass—Dactylis glomerata	S, P	20-30	7	21	Germination more rapid on soil; light on Petri dish tests.
Peanut—Arachis hypogaea	R, S	20-30	5	10	Remove shells.
Peas, field—Pisum sativum arvanse	R, S	20	8	18	
Rape:					
Annual—Brassica napus var.	B	20-30	3	7	
Bird—Brassica campestris	P	20-30	3	10	Light; fresh and dormant seed KNO ₃ . ⁴
Turnip—Brassica rapa var.	B	20-30	3	7	
Winter—Brassica napus	B	20-30	3	7	
Redtop—Agrostis alba	TB, P	20-30	5	10	Light.
Roscoe grass—Bromus catharticus	P	20-30	7	35	Light; fresh and dormant seed KNO ₃ . ⁴ and 15°-30° C. for 1 week; complete test at 5° C.
Rhodes grass—Chloris gayana	P	20-30	6	14	Light.
Rice—Oryza sativa	B, T	20-30	3	14	
Ricegrass, Indian—Oryzopsis hymenoides	P	15	7	42	Dormant seed prechill at 3° C. for 4 weeks and germinate for 21 additional days.
Rough pea—Lathyrus hirsutus	T	20	7	14	
Rye—Secale cereale	T, S	20	4	7	Dormant seed prechill at 5° or 10° C. for 5 days. ⁴
Ryegrass:					
Italian—Lolium multiflorum	P, TB	20-30	5	14	KNO ₃ . ⁴ light; for fluorescence test the seed should be germinated on filter paper; fresh seed—KNO ₃ . ⁴ 10-30° C. and approximately 100 foot-candles of light.
Perennial—Lolium perenne	P, TB	20-30	5	14	Light; for fluorescence test the seed should be germinated on filter paper
Sainfoin—Onobrychis viciifolia	B	20-30	4	14	
Sesbania—Sesbania exaltata	T	20-30	5	17	
Smilo—Oryzopsis miliacea	P	20-30	7	42	Light; fresh and dormant seed prechill at 5° C. for 2 weeks. ⁴
Sorghum:					
Grain and Sweet (sorgo)—Sorghum vulgare	B, S	20-30	4	10	Fresh and dormant seed prechill at 5° or 10° C. for 5 days. ⁴
Soybean—Soja max	RT, S	20-30	5	18	
Sudan grass—Sorghum vulgare sudanense	B, S	20-30	4	10	
Sunflower (Cult.)—Helianthus annuus	T, B	20-30	3	7	
Sweet vernalgrass—Anthoxanthum odoratum	P	20-30	6	14	Light.
Switch grass—Panicum virgatum	P, TS	15-30	7	28	Light, KNO ₃ . ⁴ fresh and dormant seed prechill at 5° C. for 2 weeks. ⁴
Timothy—Phleum pratense	P, TB	20-30	5	10	Light; fresh and dormant seed KNO ₃ . ⁴
Trefoil:					
Big—Lotus uliginosus	B	20	3	7	
Birdfoot—L. corniculatus	B	20	3	7	
Vasey grass—Paspalum urvillei	P	20-35	7	21	Light; fresh and dormant seed KNO ₃ . ⁴
Velvetgrass—Holcus lanatus	P	20-35	6	14	Light.
Vetch:					
Common—Vicia sativa	T	20	5	10	Test questionable samples with stubby roots in soil.
Hairy—Vicia villosa	T	20	5	14	
Hungarian—Vicia pannonica	T	20	5	10	
Monantha—Vicia monantha	T	20	5	10	
Narrowleaf—Vicia angustifolia	T	20	5	14	
Purple—Vicia atropurpurea	T	20	5	10	
Woollypod—Vicia dasycarpa	T	20	5	14	
Wheat:					
Common, club, Polish (including spelt, and emmer)—Triticum spp.	T, S	20	3	7	Fresh and dormant seed prechill at 5° or 10° C. for 5 days. ⁴
Durum—Triticum durum	T, S	20	3	10	Fresh and dormant seed prechill at 5° or 10° C. for 5 days. ⁴
Wheatgrass:					
Crested—Agropyron cristatum	P, TB	20-30	5	14	Light; fresh and dormant seed KNO ₃ . ⁴ and 5° or 10° C. for 7 days. ⁴
Slender—Agropyron trachycaulum	P, TB	20-30	5	14	Light.
Western (Bluestem)—Agropyron smithii	P	20-30	7	35	Light; fresh and dormant seed KNO ₃ . ⁴ or soil and 15°-30° C.
Wild-rye, Canada—Elymus canadensis	P	15-30	7	21	Light; fresh and dormant seed prechill at 5° C. for 2 weeks. ⁴
Vegetable seed					
Artichoke—Cynara scolymus	T	20-30	7	21	
Asparagus—Asparagus officinalis	T	20-30	7	21	
Beans:					
Asparagus—Vigna sesquipedalis	R, S	20-30	5	18	Watch for weevil injury to plumule.
Garden—Phaseolus vulgaris	R, S	20-30	5	18	Watch for abnormalities; open the cotyledons if plumule is not visible. Abnormal seedlings in beans include seedlings without a terminal bud or growing point of the stem ("baldheads") and seedlings with both primary leaves absent even though the terminal bud or growing point is present ("snakeheads"). Such abnormal seedlings are not to be included in determining the percentage of germination.
Horse or broad—Vicia faba	S, C	20	4	14	Prechill fresh and dormant seed 3 days at 10° C. ⁴
Lima—Phaseolus lunatus macrocarpus	R, S, C	20-30	5	19	Watch for abnormalities; open the cotyledons if plumule is not visible. Abnormal seedlings in beans include seedlings without a terminal bud or growing point of the stem ("baldheads") and seedlings with both primary leaves absent even though the terminal bud or growing point is present ("snakeheads"). Such abnormal seedlings are not to be included in determining the percentage of germination.
Runner—Phaseolus coccineus	R, S	20-30	5	19	
Beet—Beta vulgaris	B	20-30	3	14	Soak in water 2 hours before testing, using at least 250 cc. water per 100 "seeds"; wash in running water after soaking and blot surface dry. Samples producing darkened radicles should be retested in sand or soil or by washing in running water for 3 hours and testing on 0.3 inch thick "Kimpak," keeping seed covered with slightly moist blotters.
Broccoli—Brassica oleracea	B, P	20-30	3	10	Dormant seed light, KNO ₃ . ⁴ prechill at 5° or 10° C. for 3 days. ⁴
Brussels sprouts—Brassica oleracea	B, P	20-30	3	10	Do.
Cabbage—Brassica oleracea	B, P	20-30	3	10	Do.
Cardoon—Cynara cardunculus	T	20-30	7	21	
Carrot—Daucus carota	B	20-30	6	28	
Cauliflower—Brassica oleracea	B, P	20-30	3	10	Do.
Celery—Apium graveolens var. rapaceum	P, TB	20-30	10	21	Light. Check for root injury. If injury to roots is apparent use Whatman's No. 2 filter paper or equivalent as substratum.
Celery—Apium graveolens var. dulce	P, TB	20-30	10	21	Light; fresh seed KNO ₃ . ⁴ and prechill at 10° C. for 3 days. ⁴ Check for root injury. If injury to roots is apparent use Whatman's No. 2 filter paper or equivalent as substratum.
Chicory—Cichorium intybus	P, TS	20-30	5	14	Light, KNO ₃ . ⁴ or soil. Check for root injury. If injury to roots is apparent use Whatman's No. 2 filter paper or equivalent as substratum.
Citron—Citrus vulgaris	T	20-30	7	14	Soak 6 hours; test dormant seed at 30° C.
Collards—Brassica oleracea	B, P	20-30	3	10	Dormant seed light, KNO ₃ . ⁴ prechill at 5° or 10° C. for 3 days. ⁴
Corn, sweet—Zea mays	R, S	20-30	4	7	
Corn salad—Fetticus—Valerianella locusta var. olitoria	B	20	7	28	Fresh and dormant seed 10° or 15° C.
Cowpea—Vigna sinensis	R, S	20-30	5	18	Watch for weevil injury to plumule.
Cress:					
Garden—Lepidium sativum	B	20	4	10	Dormant samples 15° C.
Water—Rorippa nasturtium aquaticum	P	20-30	4	14	Light.

See footnotes at end of table.

TABLE 2—METHODS OF TESTING FOR LABORATORY GERMINATION AND HARD SEED—Continued

Name of seed	Substrata ¹	Temperature ²	First count ³	Final count	Remarks
Cucumber— <i>Cucumis sativus</i>	T, S, B.....	20-30	3	7	Keep substrata on dry side. By "dry side" is meant that the substrata are kept somewhat drier than they are maintained for the average kind of seed.
Dandelion— <i>Taraxacum officinale</i>	P, TB.....	20-30	7	21	Light. Check for root injury. If injury to roots is apparent use Whatman's No. 2 filter paper or equivalent as substratum.
Eggplant— <i>Solanum melongena</i> var. <i>esculentum</i>	TB.....	20-30	7	14	Alternate method test between blotters with raised covers. Prepare "raised blotters" by folding up edges of bottom to form a good support for the top or cover, so top will not make contact with seed.
Endive— <i>Cichorium endivia</i>	P, TS.....	20-30	5	14	Light, KNO_3 , ⁴ or soil; dormant seed add about ¼ inch of tap water at time of preliminary count. Remove the excess water after 24 hours. Check for root injury. If injury to roots is apparent use Whatman's No. 2 filter paper or equivalent as substratum.
Kale— <i>Brassica oleracea</i>	B, P.....	20-30	3	10	Dormant seed light, KNO_3 , ⁴ prechill at 5° or 10° C. for 3 days. ⁵
Kohlrabi— <i>Brassica oleracea</i>	B, P.....	20-30	3	10	Do.
Leek— <i>Allium porrum</i>	B.....	20	6	14	
Lettuce— <i>Lactuca sativa</i>	P.....	20	None	9	Light for at least ¼ hour; dormant seed prechill at 10° or 15° C. 3 days; watch for sprouts with both spotted cotyledons and stubby radicles. ⁶
Muskmelon— <i>Cucumis melo</i>	B, T, S.....	20-30	4	10	Keep substrata on dry side. By "dry side" is meant that the substrata are kept somewhat drier than they are maintained for the average kind of seed.
Mustard:					
India— <i>Brassica juncea</i>	P.....	20-30	3	7	Light; fresh and dormant seed KNO_3 , ⁴ and prechill at 10° C. for 3 days. ⁵
Spinach— <i>Brassica rapa</i> <i>perviridis</i>	B.....	20-30	3	7	
Okra— <i>Hibiscus esculentus</i>	R.....	20-30	4	21	
Onion— <i>Allium cepa</i>	B, S.....	20	6	10	In sand and soil tests extend final count to 12 days.
Pak-choi— <i>Brassica chinensis</i>	B.....	20-30	3	7	
Parsley— <i>Petroselinum hortense</i>	B.....	20-30	11	28	
Parsnip— <i>Pastinaca sativa</i>	B.....	20-30	6	28	
Peas, garden— <i>Pisum sativum</i>	R, S.....	20	5	18	
Pepper— <i>Capsicum</i> spp.....	TB.....	20-30	6	14	Alternate method test between blotters with raised covers. Prepare "raised blotters" by folding up edges of bottom to form a good support for the top or cover, so top will not make contact with seed.
Pe-tsai (Chinese cabbage)— <i>Brassica pekinensis</i>	B.....	20-30	3	7	
Pumpkin— <i>Cucurbita pepo</i>	T, S, TB.....	20-30	4	7	Keep substrata on dry side. By "dry side" is meant that the substrata are kept somewhat drier than they are maintained for the average kind of seed.
Radish— <i>Raphanus sativus</i>	B.....	20	4	6	
Rhubarb— <i>Rheum raphaniticum</i>	TS.....	20-30	7	21	Light.
Rutabaga— <i>Brassica napobrassica</i>	B.....	20-30	3	14	
Salsify— <i>Tragopogon porrifolius</i>	T.....	20	5	10	Fresh and dormant seed prechill at 10° C. for 3 days. ⁵
Sorrel— <i>Rumex acetosa</i>	TS, P.....	20-30	3	14	Light. Test dormant samples at 15° C.
Soybean (vegetable)— <i>Soja max.</i>	RT, S.....	20-30	5	8	
Spinach:					
Common— <i>Spinacia oleracea</i>	TB.....	10	7	21	Keep substrata on dry side. By "dry side" is meant that the substrata are kept somewhat drier than they are maintained for the average kind of seed.
New Zealand— <i>Tetragonia expansa</i>	TS.....	20-30	5	28	Do.
Squash— <i>Cucurbita</i> sp.....	T, S.....	20-30	4	7	Do.
Swiss Chard— <i>Beta vulgaris</i> var. <i>cicla</i>	B.....	20-30	3	14	Soak in water 2 hours before testing, using at least 250 cc. water per 100 "seeds"; wash in running water after soaking and blot surface dry.
Tomato:					
Common— <i>Lycopersicon esculentum</i>	B.....	20-30	5	14	Dormant seeds light and Potassium Nitrate. Alternate method test between blotters with raised covers. Prepare "raised blotters" by folding up edges of bottom to form a good support for the top or cover, so top will not make contact with seed.
Husk— <i>Physalis pubescens</i>	P, TB.....	20-30	7	28	Light.
Turnip— <i>Brassica rapa</i>	B.....	20-30	3	7	
Watermelon— <i>Citrullus vulgaris</i>	T, S.....	20-30	4	14	Keep substrata on dry side. By "dry side" is meant that the substrata are kept somewhat drier than they are maintained for the average kind of seed.

¹ Substrata: B=between blotters; TB=top of blotters; T=between folded paper toweling; R=upright rolled towels; S=soil or sand; TS=top of soil; P=petri dishes with 2 layers of blotters or 1 layer of absorbent cotton or 5 layers of paper toweling and of filter paper or on top of sand or soil in covered petri dishes; C=creped cellulose paper wadding (0.3 inch thick Kimpak or equivalent) covered with a single thickness of blotter through which holes are punched for the seed which are pressed for about ½ their distance into the creped paper wadding.

² Temperature: A single numeral indicates a constant temperature. Two numerals separated by a dash indicate an alternation of temperature; the test is held at the first temperature for approximately 16 hours and at the second temperature for approximately 8 hours per day. Hold at lower temperature over weekend and holiday.

³ Hard seeds often present. If at the end of the germination period there are still present swollen seeds or seeds which have just started to germinate all seeds or seedlings

except the above-stated shall be removed and the test continued for 5 additional days and the normal seedlings included in the percentage of germination.

⁴ A two-tenths (0.2) percent solution of potassium nitrate (KNO_3) is used in moistening the substratum in all instances except for Kentucky Bluegrass and is prepared by dissolving 2 grams of KNO_3 in 1,000 cc. of distilled water. A one-tenth (0.1) percent solution is prepared by dissolving 1 gram of KNO_3 in 1,000 cc. of distilled water.

⁵ The prechilling period is not included in the germination period given in this table unless otherwise specified.

⁶ "Prewet" method on cotton: Shake seed in a closed container, thoroughly wetting the "fuzz" of the seed. Blot off all excess moisture and put in to germinate.

⁷ The number of days stated for the first count is approximate and a deviation of 1 to 3 days is permitted.

In 201.60: Change the sentence beginning with "For *Poe* spp." to read as follows: "An additional tolerance shall be allowed for the following kinds of seeds and mixtures containing any of these kinds of seeds singly or combined in excess of 50 percent. The tolerance is to be obtained by adding to the regular tolerance mentioned above the product obtained by multiplying the regular tolerance by the lesser of "a" and "b" divided by 100.

Agrostis spp.	Bromegrass.
Andropogon spp.	Buffalo grass.
Bouteloua spp.	Carpet grass.
Festuca spp.	Crested wheatgrass.
Poe spp.	Dallis grass.
Bermuda grass.	Giant panic grass.

Guinea grass.	Sweet vernalgrass.
Indian grass.	Switch grass.
Indian ricegrass.	Tall oatgrass.
Meadow foxtail.	Vasey grass.
Molasses grass.	Velvet grass.
Orchard grass.	Western wheatgrass.
Rhodes grass.	Wild rye grass.

Change § 201.61 to read as follows:

§ 201.61 *Germination*. The following tolerances are applicable to the percentage of germination and also to the sum of the germination plus the hard seed when 400 or more seeds are tested.

Found by test:	Tolerance
96 or over.....	5
90 or over but less than 96.....	6
80 or over but less than 90.....	7
70 or over but less than 80.....	8

Found by test—Continued	Tolerance
60 or over but less than 70.....	9
Less than 60.....	10

When only 200 seeds of a component in a mixture are tested, 2 percent shall be added to the above germination tolerances.

In 201.63: Insert before the word and numbers "Section 201.52" the words and numbers "section 201.46 and".

Add a new section as follows:

§ 201.64a *Fluorescence test and 400- to 1,000-seed separations*. The following table of tolerances shall be used for fluorescence tests on ryegrass and 400- to 1,000-seed separations in addition to one-half the regular pure seed tolerance provided for in § 201.60.

Number of seeds used	Tolerance		
	400	800	1,000
Result of test percent:			
100	1.0	0.8	0.7
99	1.6	1.2	1.0
98	2.0	1.4	1.3
97	2.3	1.7	1.5
96	2.6	1.9	1.7
95	2.9	2.1	1.9
94	3.2	2.3	2.0
93	3.4	2.4	2.2
92	3.6	2.6	2.3
91	3.8	2.8	2.4
90	4.0	2.9	2.5
89	4.1	3.0	2.7
88	4.3	3.1	2.8
87	4.5	3.2	2.9
86	4.7	3.3	2.9
85	4.8	3.4	3.0
84	4.9	3.5	3.1
83	5.0	3.6	3.2
82	5.2	3.7	3.3
81	5.3	3.8	3.3
80	5.4	3.8	3.4
79	5.5	3.9	3.5
78	5.6	4.0	3.5
77	5.7	4.1	3.6
76	5.8	4.2	3.7
75	5.9	4.3	3.8
74	6.0	4.3	3.8
73	6.1	4.3	3.9
72	6.2	4.4	3.9
71	6.2	4.4	3.9
70	6.3	4.5	4.0
69	6.3	4.5	4.0
68	6.4	4.6	4.0
67	6.5	4.6	4.1
66	6.5	4.6	4.1
65	6.5	4.7	4.1
64	6.6	4.7	4.2
63	6.6	4.7	4.2
62	6.6	4.7	4.2
61	6.7	4.8	4.2
60	6.7	4.8	4.2
59	6.8	4.8	4.2
58	6.8	4.8	4.3
57	6.8	4.8	4.3
56	6.8	4.9	4.3
55	6.9	4.9	4.3
54	6.9	4.9	4.3
53	6.9	4.9	4.3
52	6.9	4.9	4.3
51	6.9	4.9	4.3
50	6.9	4.9	4.3
49	6.9	4.9	4.3
48	6.9	4.9	4.3
47	6.9	4.9	4.3
46	6.9	4.9	4.3
45	6.9	4.9	4.3
44	6.9	4.9	4.3
43	6.9	4.9	4.3
42	6.9	4.9	4.3
41	6.9	4.9	4.3
40	6.9	4.8	4.3
39	6.8	4.8	4.3
38	6.8	4.8	4.3
37	6.8	4.8	4.2
36	6.8	4.8	4.2
35	6.7	4.7	4.2
34	6.7	4.7	4.2
33	6.7	4.7	4.1
32	6.6	4.7	4.1
31	6.6	4.6	4.1
30	6.6	4.6	4.0
29	6.5	4.6	4.0
28	6.4	4.5	4.0
27	6.4	4.5	3.9
26	6.3	4.4	3.9
25	6.2	4.4	3.8
24	6.2	4.3	3.8
23	6.1	4.3	3.7
22	6.0	4.2	3.7
21	5.9	4.1	3.6
20	5.8	4.1	3.6
19	5.7	4.0	3.5
18	5.6	3.9	3.4
17	5.5	3.8	3.4
16	5.4	3.8	3.3
15	5.3	3.7	3.2
14	5.2	3.6	3.1
13	5.0	3.5	3.0
12	4.9	3.4	2.9
11	4.7	3.3	2.8
10	4.6	3.1	2.7
9	4.4	3.0	2.6
8	4.2	2.9	2.5
7	4.0	2.7	2.4
6	3.7	2.5	2.2
5	3.5	2.4	2.0
4	3.2	2.2	1.9
3	2.8	1.9	1.6
2	2.4	1.6	1.4
1	1.8	1.3	1.0
0	1.0	0.4	0.3

Add a new section as follows:

§ 201.67 *Ryegrass*. (a) In determining the proportions of perennial and

Italian ryegrass, 400 seeds shall be grown on filter paper and the number of fluorescent seedlings determined under ultraviolet light at the end of the germination period. The percentages of pure seed, fluorescence, nonfluorescence, germination, and dead seed shall be determined and the results shall be subjected to the following formula to calculate the proportion of the two kinds of ryegrass:

Percent perennial ryegrass =

$$\frac{1.0526 \times \text{percent nonfluorescence} \times \text{percent pure ryegrass}}{\text{Percent fluorescence} + \text{percent nonfluorescence}}$$

(b) *Sweetclover*. In determining the percentage of yellow blossom biennial sweetclover in admixture of yellow and white blossom biennial sweetclover, 5 grams of seed shall be examined to determine the percentage of mottled seed. The percentage of mottled seed shall be multiplied by 4 and the product shall be construed as representing the percentage of yellow blossom.

Add a new heading and section as follows:

DISCLAIMERS

§ 201.68 *Disclaimers and nonwarranties*. A disclaimer, nonwarranty, or limited warranty used in any invoice, advertising, labeling, or written, printed, or graphic matter pertaining to any seed shall not directly or indirectly deny or modify any information required by the act and the regulations in this part.

Add a new heading and section as follows:

ADVERTISING

§ 201.69 *Name of kind, variety, and type*. The representation in any advertisements subject to the act of the name of a kind, variety, or type of seed shall be confined to the recognized name of the kind, variety, or type. It shall not include names or terms that create a misleading impression as to the history or quality of the seed.

In § 201.101: Insert in proper alphabetical order: "Bean, lima" and "Canary grass."

In § 201.102: Insert in proper alphabetical order: "Artichoke—65," "Cress, water—50," "Cardoon—65," "Tomato, husk—60," "Vasey grass—35," "Blue-stem, big—25," "Bluestem, little—25," "Bluestem, sand—25," "Buffalo grass (burs)—35," "Dropseed, sand—65," "Giant panic grass—50," "Grama, blue—35," "Grama, side oats—10," "Indian grass—50," "Switch grass—35," and "Wild rye, Canada—50."

In § 201.107: Insert in proper alphabetical order in list of kinds of seeds considered weed seeds when occurring incidentally in importations of other agricultural or vegetable seeds the following: "Rape, annual *Brassica napus* L. Var."

Done at Washington, D. C., this 1st day of August 1949. Witness my hand and the seal of the United States Department of Agriculture.

[SEAL]

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 49-6407; Filed, Aug. 5, 1949;
8:50 a. m.]

[7 CFR, Part 201]

JOINT RULES AND REGULATIONS OF SECRETARY OF TREASURY AND SECRETARY OF AGRICULTURE UNDER FEDERAL SEED ACT

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

Pursuant to the provisions of section 402 of the Federal Seed Act, as amended (7 U. S. C. 1592), notice is hereby given of intention to promulgate amendments, as hereinafter proposed, to the joint rules and regulations of the Secretary of the Treasury and the Secretary of Agriculture (7 CFR 201.201 et seq.) under said act. A public hearing with reference thereto will be held in Room 3709 in the South Building of the United States Department of Agriculture, Independence Avenue between Twelfth and Fourteenth Streets SW., Washington, D. C., at 10:00 a. m. on the 30th day of August 1949.

All interested persons are invited to attend this hearing and to offer comments with reference to the proposed amendments. Such comments may be presented orally or in writing. Any relative comments which cannot be presented in person at the hearing may be transmitted by mail addressed to the Director, Grain Branch, Production and Marketing Administration, Washington 25, D. C., and will be considered if received on or before the 30th day of August 1949.

Mr. E. J. Murphy, Grain Branch, Production and Marketing Administration, is hereby designated as the presiding officer who shall conduct the aforesaid hearing, with power to do all things necessary and appropriate to the proper conduct of such hearing.

The proposed amendments of the joint regulations are as follows:

1. Change § 201.208 to read as follows:

§ 201.208 *Seed*. The collector of customs shall draw and forward samples of all seed imported or offered for importation into the United States except the following kinds which he shall sample only when imported for seeding purposes and when declared for seeding purposes:

Barley.	Cowpea.
Bean, adzuki.	Flax.
Bean, field.	Hemp.
Bean, lima.	Oat.
Bean, mung.	Peanut.
Buckwheat, common.	Rice.
Canary grass.	Rye.
Celery.	Soybean.
Chickpea.	Sunflower.
Corn, field.	Wheat.

2. Change § 201.210 (d) to read as follows:

(d) The portions shall be combined into a composite sample except that if the quantity represented to be a lot does not appear to be of uniform quality as required in paragraph (e) of this section the separate portions shall be forwarded together but without being combined into a composite sample.

3. In § 201.210, add new paragraphs (e), (f) and (g) reading respectively as follows:

(e) A quantity of seed designated as one lot shall be regarded as such for sampling only if every portion or bag of seed

in the quantity is uniform within permitted tolerances as to percentage of pure seed, percentage of germination and hard seed, percentage of weed seed, and rate of occurrence of noxious weed seeds.

(f) When an importation consists of more than one lot, each lot shall be sampled separately.

(g) Sampling shall not proceed unless each container is stenciled or labeled in such manner as clearly to identify the container with the lot designation and such varietal identification as may appear in the invoice or other entry papers.

4. In § 201.218, insert after the word "stenciled" in the proviso the words "or labeled".

5. In § 201.222 (b), insert in proper alphabetical order therein the phrases "Bean, lima" and "Canary grass."

Dated: July 21, 1949.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.
[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 49-6405; Filed, Aug. 5, 1949;
8:50 a. m.]

[7 CFR, Part 957]

[AO-150-A1]

HANDLING OF IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

NOTICE OF HEARING WITH RESPECT TO PROPOSED AMENDMENTS

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Part 900; 13 F. R. 8585), notice is hereby given of a public hearing to be held in the Bannock County Court House, Pocatello, Idaho, beginning at 9:30 a. m., m. s. t., on August 29, 1949, with respect to proposed amendments to Marketing Agreement No. 98 and to Order No. 57 (7 CFR, Cum. Supp., Part 957) regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon. The proposed amendments have not received the approval of the Secretary of Agriculture.

This public hearing will be held for the purpose of receiving evidence with respect to economic and marketing conditions relating to all aspects of the proposed amendments, which are hereinafter set forth, and appropriate modifications thereof.

At a duly authorized meeting of the Administrative Committee, established pursuant to Order No. 57, a resolution was adopted recommending the submission to the Secretary of Agriculture of a petition for a public hearing to be held to consider amendments to Marketing Agreement No. 98 and Order No. 57. The committee recommends, as a means of effectuating the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, a deletion of the provisions of approved Marketing Agree-

ment No. 98 and §§ 957.1 through 957.18 of Order No. 57, and a substitution in lieu thereof the following:

§ 957.1 *Definitions.* As used herein, the following terms have the following meanings:

(a) "Secretary" means the Secretary of Agriculture of the United States, or any other officer, or member of the United States Department of Agriculture, who is, or may hereafter be authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

(b) "Act" means Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, (7 U. S. C. 601 et seq.; 61 Stat. 202, 707).

(c) "Person" means an individual, partnership, corporation, association, legal representative, or any organized group or business unit.

(d) "Production area" means all territory included within Malheur County, Oregon, and the counties of Adams, Valley, Lemhi, Clark, and Fremont in the State of Idaho, and all of the counties in Idaho lying south of the aforesaid counties in Idaho.

(e) "Potatoes" means all varieties of Irish potatoes grown within the aforesaid production area.

(f) "Varieties" means and includes all classifications or subdivisions of Irish potatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

(g) "Seed potatoes" means and includes all potatoes officially certified and tagged, marked or otherwise appropriately identified, under the supervision of the official seed potato certifying agency of the State from which the potatoes are shipped, or other seed certification agencies which the Secretary may recognize.

(h) "Handler" is synonymous with shipper and means any person (except a common or contract carrier of potatoes owned by another person) who ships potatoes.

(i) "Ship" or "handle" means to transport, sell, or in any other way to place potatoes in the current of interstate or foreign commerce, or so as directly to burden, obstruct, or affect any such commerce.

(j) "Producer" means any person engaged in the production of potatoes for market.

(k) "Committee" means the administrative committee, called the Idaho-Eastern Oregon Potato Committee, established pursuant to § 957.2 hereof.

(l) "Fiscal year" means the period beginning on June 1 of each year and ending May 31 of the following year.

(m) "Grade" means any one of the officially established grades of potatoes, and "size" means any one of the officially established sizes of potatoes, as defined and set forth in:

(1) The United States Standards for Potatoes issued by the United States Department of Agriculture (14 F. R. 1955, 2161), or amendments thereto, or modifications thereof, or variations based thereon;

(2) United States Consumer Standards for Potatoes as issued by the United

States Department of Agriculture (12 F. R. 7281), or amendments thereto, or modifications thereof, or variations based thereon; or

(3) Standards for potatoes issued by the State from which the potatoes are shipped, or amendments thereto, or modifications thereof, or variations based thereon.

(n) "Export" means shipment of potatoes beyond the boundaries of continental United States.

(o) "District" means each one of the geographical divisions of the production area established pursuant to § 957.2 (c).

§ 957.2 *Administrative committee—*

(a) *Establishment and membership.* (1) The Idaho-Eastern Oregon Potato Committee consisting of 8 members, of whom 5 shall be producers and 3 shall be handlers, is hereby established. For each member of the committee there shall be an alternate who shall have the same qualifications as the member.

(2) (i) Persons selected as committee members or alternates to represent producers shall be individuals who are producers in the respective district for which selected, or officers or employees of a corporate producer in such district, and such persons shall be residents of the respective district for which selected.

(ii) Persons selected as committee members or alternates to represent handlers shall be individuals who are handlers in the production area, or officers or employees of a corporate handler in the aforesaid area, and such persons shall be residents of the production area.

(b) *Term of office.* The term of office of committee members and alternates shall be for one year beginning on the first day of June and continuing until the end of the then current fiscal year, and until their successors are selected and have qualified. Committee members and alternates shall serve during the fiscal year for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during the fiscal year and continuing until the end thereof, and until their successors are selected and have qualified. *Provided,* That the persons who, pursuant to Order No. 57, are committee members and alternates at the time the provisions of this subsection become effective shall continue as such pursuant hereto until the end of the then current fiscal year (the following May 31), or until their successors have been selected and have qualified.

(c) *Districts.* For the purpose of determining the basis for selecting committee members, the following districts of the production area are hereby initially established:

District No. 1. The counties of Oneida, Power, Bingham, Jefferson, Clark, and all counties lying east thereof in Idaho;

District No. 2. Malheur County, Oregon, and counties of Owyhee, Elmore, Boise, Valley, and all counties lying west thereof in Idaho.

District No. 3. The remaining designated counties in Idaho included in the production area, and not included in District 1 or District 2.

(d) *Selection.* The Secretary shall select two producer members of the com-

mittee, with their respective alternates, from District No. 1, one producer member with his respective alternate from District No. 2 and two producer members, with their respective alternates, from District No. 3 designated in paragraph (c) of this section, which members and alternates shall represent the respective district from which they are selected. The Secretary shall also select one handler member of the committee, with his respective alternate, from each district.

(e) *Nominations.* The Secretary shall select the members and alternates of the Idaho-Eastern Oregon Potato Committee from nominations made in the following manner:

(1) The committee shall hold or cause to be held prior to April 1 of each year, after the effective date hereof, a meeting or meetings of producers and of handlers in each of the districts designated in paragraph (c) of this section to nominate committee members and alternates;

(2) In arranging for such meetings the committee may, if it deems desirable, utilize the services and facilities of existing organizations and agencies;

(3) At each such meeting at least two nominees shall be designated for each position as member and for each position as alternate member on the committee;

(4) Nominations for committee members and alternate members shall be supplied to the Secretary in such manner and form as he may prescribe, not later than 30 days prior to the end of each fiscal year;

(5) Only producers may participate in designating nominees for producer committee members and their alternates and only handlers may participate in designating nominees for handler committee members and their alternates;

(6) Each person who is both a handler and a producer may vote either as a handler or as a producer and may elect the group in which he votes; and

(7) Regardless of the number of districts in which a person produces potatoes, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives, in designating nominees for committee members and alternates: *Provided*, That in the event a person is engaged in producing potatoes in more than one district, such person shall elect the district within which he may participate as aforesaid in designating nominees: *Provided further*, That an eligible voter's privilege of casting only one vote, as aforesaid, shall be construed to permit a voter to cast one vote for each position to be filled in the respective district in which he elects to vote.

(f) *Failure to nominate.* If nominations are not made within the time and in the manner specified by the Secretary pursuant to paragraph (e) of this section, the Secretary may, without regard to nominations, select the committee members and alternates which selection shall be on the basis of the representation provided for herein.

(g) *Acceptance.* Any person selected by the Secretary as a committee member or as an alternate shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

(h) *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a committee member or as an alternate to qualify, or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate, a successor for his unexpired term may be selected by the Secretary from nominations made in the manner specified in paragraph (e) of this section, or the Secretary may select such committee member or alternate from previously unselected nominees on the current nominee list from the district involved. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of the representation provided for herein.

(i) *Alternate members.* An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence. In the event of the death, removal, resignation, or disqualification of a member his alternate shall act for him until a successor of such member is selected and has qualified.

(j) *Procedure.* (1) A majority of members of the committee shall be necessary to constitute a quorum and a majority of concurring votes will be required to pass any motion or approve any committee action.

(2) The committee may provide for meeting by telephone, telegraph, or other means of communication and any vote cast at such a meeting shall be confirmed promptly in writing: *Provided*, That if any assembled meeting is held, all votes shall be cast in person.

(k) *Expenses and compensation.* Committee members or their respective alternates shall be reimbursed for expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers hereunder, and shall receive compensation at a rate to be determined by the committee, which rate shall not exceed \$5.00 for each day, or portion thereof, spent in attending meetings of the committee.

(l) *Powers.* The committee shall have the following powers:

(1) To administer the provisions hereof in accordance with its terms;

(2) To make rules and regulations to effectuate the terms and provisions hereof;

(3) To receive, investigate, and report to the Secretary complaints of violation of the provisions hereof; and

(4) To recommend to the Secretary amendments hereto.

(m) *Duties.* It shall be the duty of the committee:

(1) To act as intermediary between the Secretary and any producer or handler;

(2) To select a chairman and such other officers as may be necessary, to select subcommittees of committee members, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(3) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and

define the duties of each such person;

(4) To investigate, from time to time, and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to potatoes, and to engage in such research and service activities which relate to the handling or marketing of potatoes as may be approved by the Secretary;

(5) To furnish to the Secretary such available information as he may request;

(6) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative;

(7) To make available to producers and handlers the committee voting record on recommended regulations and on other matters of policy;

(8) At the beginning of each fiscal year, to submit to the Secretary a budget of its expenses for such fiscal year, together with a report thereon;

(9) To cause the books of the committee to be audited by a competent accountant at least once each fiscal year, and at such other time as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant hereto; a copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers; and

(10) To consult, cooperate and exchange information when deemed desirable by the committee with other potato marketing committees and other individuals or agencies in connection with all proper committee activities and objectives hereunder.

§ 957.3 Expenses and assessments—

(a) *Expenses.* The committee is authorized to incur such expenses as the Secretary, upon the basis of a budget submitted by the committee, finds may be necessary to perform its functions hereunder during each fiscal year and for such other purposes as the Secretary may determine to be appropriate pursuant to the provisions hereof. The funds to cover such expenses shall be acquired by the levying of assessments, as herein provided, upon handlers.

(b) *Assessments.* (1) Each handler who first ships potatoes shall pay to the committee, upon demand, such handler's pro rata share of the expenses which the Secretary finds will be incurred by the committee for its maintenance and functioning during each fiscal year, and for such other purposes as the Secretary may determine to be appropriate pursuant to the provisions hereof. Such handler's pro rata share of such expense shall be equal to the ratio between the total quantity of potatoes handled by him as the first handler thereof, during the applicable fiscal year, and the total quantity of potatoes handled by all handlers as the first handlers thereof, during the same fiscal year. The Secretary shall fix the rate of assessment to be paid by such handlers: *Provided*, That, the assessment rate shall not be

in excess of one dollar per carload or truck load.

(2) At any time during a fiscal year, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses of the committee. Such increase shall be applicable to all potatoes handled during the given fiscal year. In order to provide funds to carry out the functions of the committee, handlers may make advance payment of assessments.

(c) *Accounting.* (1) If, at the end of a fiscal year, it shall appear that assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund of the excess assessments shall be credited with such refund against the operations of the following fiscal year, unless he demands payment thereof, in which event proportionate refund shall be paid to him.

(2) The committee may, with the approval of the Secretary, maintain in its own name or in the name of its members, a suit against any handler for the collection of such handler's pro rata share of the expenses of the committee.

(d) *Funds.* All funds received by the committee pursuant to any provision hereof shall be used solely for the purposes herein specified and shall be accounted for in the following manner:

(1) The Secretary may at any time require the committee and its members to account for all receipts and disbursements; and

(2) Whenever any person ceases to be a committee member or alternate, he shall account for all receipts and disbursements and deliver all property and funds in his hands, together with all books and records in his possession, to his successor in office or to such person as the Secretary may designate, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor or in such designated person the right to all the property, funds, or claims vested in such member or alternate.

§ 957.4 *Regulation—(a) Committee recommendations—* (1) *Development procedure.* In developing its marketing policy and making recommendations for regulation, as hereinafter provided, the committee shall investigate relevant supply and demand conditions for potatoes. In such investigations the committee shall give appropriate consideration to the following factors:

(i) Market prices of potatoes, including prices by grades, size, and quality;

(ii) Potatoes on hand in the market areas and as manifested by supplies en route and on track at the principal markets;

(iii) Supply of potatoes, by grade, size, and quality, in the production area and in other production areas;

(iv) The trend and level of consumer income; and

(v) Other relevant factors.

(2) *Marketing policy.* At the beginning of each fiscal year the committee shall prepare and submit to the Secretary a report setting forth its proposed policy for the marketing of potatoes during such fiscal year. In the event it becomes

advisable to deviate from such marketing policy, because of changed demand and supply conditions, the committee shall formulate a new marketing policy and shall submit a report thereon to the Secretary. The committee shall notify producers and handlers of the contents of such reports.

(3) *Recommendations for regulation.* The committee shall recommend regulation to the Secretary, in accordance with any or all of the methods provided herein, whenever it finds, on the basis of the foregoing investigation, that supply and demand conditions for potatoes make such regulation advisable. The committee also may recommend modification, suspension, or termination of any regulation in order to facilitate shipments of potatoes for the specified purposes set forth in paragraph (b) (2) of this section.

(b) *Issuance of regulations.* (1) The Secretary shall limit the shipment of potatoes in accordance with any of the methods hereinafter set forth, whenever he finds from the recommendations and information submitted by the committee, or from other available information, that it would tend to effectuate the declared policy of the act:

(i) To regulate, in any or all portions of the production area, the shipment of particular grades and sizes of any or all varieties of potatoes during any period; or

(ii) To regulate the shipment of particular grades and sizes of potatoes differently for different varieties, for different portions of the production area, or any combination of the foregoing, during any period; or

(iii) To regulate the shipment of potatoes by establishing, in terms of grade, size, or both, minimum standards of quality and maturity.

(2) The Secretary, whenever he finds, upon the basis of the recommendations and information submitted by the committee, or from other available information, that it will tend to effectuate the declared policy of the act, shall modify, suspend, or terminate regulations issued pursuant to § 957.3 or subparagraph (1) of this paragraph, or both, in order to facilitate shipments of potatoes for the following purposes:

(i) For seed;

(ii) For export;

(iii) For distribution by the Federal government;

(iv) For manufacture or conversion into specified products;

(v) For livestock feed;

(vi) For other purposes which may be specified.

(3) The committee, with the approval of the Secretary, may establish, for any or all portions of the production area, minimum quantities below which shipments will be free from regulations issued pursuant to § 957.3 and this section.

(4) The Secretary shall notify the committee of any regulations issued or of any modification, suspension, or termination of regulations pursuant to this section. The committee shall give reasonable notice thereof to handlers.

(c) *Safeguards.* (1) The committee, with the approval of the Secretary, may

prescribe adequate safeguards to prevent shipments pursuant to paragraph (b) (2) of this section from entering channels of trade for other than the specific purpose authorized therefor.

(2) Safeguards, as prescribed herein, may include requirements that:

(i) Handlers shall file applications with the committee to ship potatoes pursuant to paragraph (b) (2) of this section;

(ii) Handlers shall obtain inspection provided by § 957.5 or pay the pro rata share of expenses provided by § 957.3, or both, in connection with potato shipments effected under the provisions of paragraph (b) (2) of this section: *Provided,* That such inspection or payment of expenses may be required at different times than otherwise specified by the aforesaid sections; and

(iii) Handlers shall obtain Certificate of Privilege from the committee for shipments of potatoes effected or to be effected under provisions of paragraph (b) (2) of this section.

(3) The committee, with the approval of the Secretary, shall prescribe rules governing the issuance and the contents of Certificates of Privilege if such certificates are prescribed as safeguards by the committee.

(4) The committee may rescind or deny Certificates of Privilege to any shipper if proof is obtained that potatoes shipped by him for the purposes stated in paragraph (b) (2) of this section were handled contrary to the provisions hereof.

(5) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

(6) The committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of potatoes covered by such applications, the number of such applications denied and certificates granted, the quantity of potatoes shipped under duly issued certificates, and such other information as may be requested by the Secretary.

§ 957.5 *Inspection and certification.* During any period in which the Secretary regulates the shipment of potatoes pursuant to the provisions of § 957.4, each handler who first ships potatoes shall, prior to making shipment cause each shipment to be inspected by an authorized representative of the Federal-State Inspection Service. Each such handler shall make arrangements with the inspecting agency to forward promptly to the committee a copy of such inspection certificate.

§ 957.6 *Exemptions.* (a) The committee may adopt, subject to approval of the Secretary, the procedures pursuant to which certificates of exemption will be issued to producers or handlers.

(b) The committee may issue certificates of exemption to any producer who applies for such exemption and furnishes adequate evidence to the committee: (1) That by reason of a regulation issued pursuant to § 957.4 he will be prevented from shipping as large a propor-

tion of his production as the average proportion of production shipped by all producers in said applicant's immediate production area, and (2) that the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each certificate shall permit the producer to ship the amount of potatoes specified thereon. Such certificate shall be transferred with such potatoes at time of shipment.

(c) The committee may issue certificates of exemption to any handler who applies for such exemption and furnishes adequate evidence to the committee: (1) That by reason of a regulation issued pursuant to § 957.4 he will be prevented from shipping as large a proportion of his storage holdings of ungraded potatoes, acquired during or immediately following the digging season, as the average proportion of ungraded storage holdings shipped by all handlers in said applicant's immediate shipping area, and (2) that the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each certificate shall permit the handler to ship the amount of potatoes specified thereon. Such certificate may be transferred with such potatoes at time of shipment.

(d) The committee shall be permitted at any time to make a thorough investigation of any producer's or handler's claim pertaining to exemptions.

(e) If any applicant for exemption certificates is dissatisfied with the determination by the committee with respect to his application, said applicant may file an appeal with the committee. Such an appeal must be taken promptly after the determination by the committee from which the appeal is taken. Any applicant filing an appeal shall furnish evidence satisfactory to the committee for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the application. The committee shall notify the appellant of the final determination, and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

(f) The Secretary shall have the right to modify, change, alter, or rescind any procedure and any exemptions granted pursuant to this section.

(g) The committee shall maintain a record of all applications submitted for exemption certificates, a record of all exemption certificates issued and denied, the quantity of potatoes covered by such exemption certificates, a record of the amount of potatoes shipped under exemption certificates, a record of appeals for reconsideration of applications, and such information as may be requested by the Secretary. Periodic reports on such records shall be compiled and issued by the committee upon request of the Secretary.

§ 957.7 *Reports.* Upon the request of the committee, with approval of the

Secretary, every handler shall furnish to the committee, in such manner and at such time as may be prescribed, such information as will enable the committee to exercise its powers and perform its duties hereunder. The Secretary shall have the right to modify, change, or rescind any requests for reports pursuant to this section.

§ 957.8 *Compliance.* Except as provided herein, no handler shall ship potatoes, the shipment of which has been prohibited by the Secretary in accordance with provisions hereof, and no handler shall ship potatoes except in conformity to the provisions hereof.

§ 957.9 *Right of the Secretary.* The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 957.10 *Effective time and termination—(a) Effective time.* The provisions hereof shall become effective at such time as the Secretary may declare above his signature attached hereto, and shall continue in force until terminated in one of the ways hereinafter specified.

(b) *Termination.* (1) The Secretary may, at any time, terminate the provisions hereof by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(2) The Secretary may terminate or suspend the operation of any or all of the provisions hereof whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(3) The Secretary shall terminate the provisions hereof at the end of any fiscal year whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal year, have been engaged in the production for market of potatoes: *Provided*, That such majority has, during such year, produced for market more than fifty percent of the volume of such potatoes produced for market; but such termination shall be effective only if announced on or before April 30 of the then current fiscal year.

(4) The Secretary shall terminate the provisions hereof at the end of any fiscal year, upon the written request of handlers signatory hereto who submit evidence satisfactory to the Secretary that they handled not less than sixty-seven percent of the total volume of potatoes handled by the signatory handlers during the preceding fiscal year; but such termination shall be effective only if announced on or before April 30 of the then current fiscal year.¹

¹ Applicable only to the proposed marketing agreement.

(5) The provisions hereof shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

(c) *Proceedings after termination.* (1) Upon the termination of the provisions hereof, the then functioning members of the committee shall continue as trustees, for the purpose of liquidating the affairs of the committee, of all the funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(2) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall upon request of the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant thereto.

(3) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ 957.11 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination hereof or of any regulation issued pursuant hereto, or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision hereof or any regulation issued hereunder, or (b) release or extinguish any violation hereof or of any regulation issued hereunder, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 957.12 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue hereof shall cease upon the termination hereof, except with respect to acts done under and during the existence hereof.

§ 957.13 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions hereof.

§ 957.14 *Derogation.* Nothing contained herein is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in

the premises whenever such action is deemed advisable.

§ 957.15 Personal liability. No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, or employee, except for acts of dishonesty.

§ 957.16 Separability. If any provision hereof is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder hereof, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 957.17 Amendments. Amendments hereto may be proposed, from time to time, by the committee or by the Secretary.

§ 957.18 Counterparts. This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.¹

§ 957.19 Additional parties. After the effective date hereof, any handler who has not previously executed this agreement may become a party hereto if a counterpart hereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.¹

§ 957.20 Order with marketing agreement. Each signatory handler favors and approves the issuance of an order, by the Secretary, regulating the handling of potatoes in the same manner as is provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the act, such an order.¹

Copies of this notice of hearing may be procured from the Hearing Clerk, United States Department of Agriculture, Room 1353, South Building, Washington, D. C., or may be there inspected.

Issued at Washington, D. C., this 2d day of August 1949.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 49-6403; Filed, Aug. 5, 1949;
8:50 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR, Ch. I]

ICAO RESOLUTIONS WITH RESPECT TO MAXIMUM AIRCRAFT WEIGHTS

The Bureau of Safety Regulation of the Civil Aeronautics Board hereby pub-

¹ Applicable only to the proposed marketing agreement.

lishes for the information of interested persons the complete text of two resolutions adopted on March 8, 1949, by the Council of the International Civil Aviation Organization with respect to limitations on operating weights of aircraft used in international transportation of passengers, cargo, or mail for compensation or hire.

The resolutions, which are set forth in full hereafter, are in effect recommended standards for international air transportation which each contracting State of the International Civil Aviation Organization has been asked to accept pending the coming into force of appropriate operations and airworthiness standards. The United States as such a contracting State, must notify the ICAO Council of its intent with respect to compliance with the provisions of the resolutions. The text of the resolutions and the accompanying explanation of the background thereof is being submitted to the public for comment in order that the Civil Aeronautics Board and the Civil Aeronautics Administration may be advised fully as to whether acceptance of the principles contained therein would impose an undue burden on the aviation industry of the United States.

The comments received will be considered in formulating the position to be taken by the United States with respect to acceptance of the provisions of the resolutions. In order that such comments may be fully studied prior to formulation of the United States' position, it is requested that they be sent to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C., within 30 days from the date of this publication.

Before setting forth the text of the resolutions, it may be desirable to indicate briefly their background. In the first place it will be noted that nothing in the Convention on International Civil Aviation specifically prohibits a State from recertifying an aircraft purchased from another State and authorizing the aircraft to be operated at a higher maximum weight than that permitted by the State of manufacture. As a matter of fact, the Convention contains provisions which can be construed as requiring the latter State to recognize the reissued certificate when used in international operations by foreign nationals. Thus, in the absence of any international agreement on the subject, it is possible to have aircraft of the same category, class, and type operated over the same route, into the same airports, and under the same operating conditions at varying maximum weights. This situation might well result in serious economic dislocations and resulting lowering of safety standards.

The United States has, therefore, strongly advocated measures which would require all States to limit the maximum authorized weight of an aircraft to the maximum authorized by the State of manufacture. Our position in this matter has been immeasurably complicated by the fact that since the end of the war many foreign nations have acquired DC-3's or related models which they have been operating in many instances at maximum weights in excess of the maximum established by the United States

and at which they wish to continue to operate.

The reluctance to accept a maximum weight limitation on this model aircraft is based primarily on the fact that many of the nations concerned, as well as the military services of the United States, have successfully operated this model aircraft for a number of years at weights in excess of the United States civil maxima. It has also been pointed out that a uniform restriction on the maximum weight of this model aircraft would effect a competitive advantage to the users of the civil version of the DC-3 inasmuch as military versions of this model, which have been purchased extensively abroad, have higher empty weights.

After considerable international discussion it became clear that if any agreements were to be reached, the DC-3, in its various types, would have to be separately treated. Thus, the recommended practices contained in the resolutions deal separately with the question of maximum weights applicable to aircraft in general and maximum weights applicable to the DC-3's and related models.

The first resolution recommends that, pending adoption of appropriate operations and airworthiness standards, no contracting State shall authorize an aircraft to be flown in international transportation of passengers, cargo, or mail for compensation or hire at weights in excess of the maximum weight authorized for the same type of aircraft by the State of origin of the aircraft type involved. The second resolution recommends that the DC-3 and related types shall, pending adoption of appropriate operations and airworthiness standards, operate at maximum weights established by the State of registry provided that the State to be entered or flown over may require a limitation to a weight of 26,200 pounds for operations into or over its territory.

The first resolution, if accepted by contracting States, would have the effect of limiting the maximum weight of aircraft sold by the United States to nationals of such States to the maximum authorized by the United States. The second resolution, while permitting foreign registered DC-3's and related types to operate at weights in excess of 26,200 pounds, would also permit the United States to restrict their entry into this country unless operated within that weight. It should be noted that the resolution does not recognize the cargo differential established by the United States for the DC-3. Thus, it would be possible for a State out of which a United States operator is currently carrying cargo at a maximum of 26,900 pounds to limit the maximum to 26,200 pounds.

The resolutions are set forth in full as follows:

Resolution No. 1. The Council recommends to Contracting States that pending the coming into force of appropriate Operations and Airworthiness Standards, no aeroplane be operated in international transportation of passengers, cargo, or mail for remuneration or hire at weights in excess of maximum weights authorized for aeroplanes of the same types and model by the Contracting State of origin of the aeroplane type involved; *Provided*, That reduction by the

country of origin of a type and model in maximum weights previously established by the State of origin for that type and model shall not affect any operation of aeroplanes of that type and model registered in another State.

Resolution No. 2. Whereas the Council has already recognized by resolution the principle that an aeroplane should not be operated in international transportation of passengers, cargo, or mail for remuneration at weights in excess of the maximum weight authorized for aeroplanes of the same type of the Contracting State of origin of the aeroplane type involved and, whereas the DC-3 aeroplane and related types such as the C-47, C-53 and Dakota have been very widely used for international transportation of passengers, cargo, or mail for remuneration and will continue to be so used for some considerable period and, whereas, although there is considerable experience among Contracting States as to the operation of these aeroplanes, there still exist differences among these States as to the maximum weight at which these aeroplanes may be operated;

Now therefore, in view of these differences, be it resolved that, pending the coming into force of the Operations and Airworthiness Standards, in the particular case of the DC-3 and its variants, the maximum authorized weight for operation of these aeroplanes, in international transportation of passengers, cargo, or mail for remuneration or hire should be established by the State of registry of the aeroplane: *Provided*, That it should always be at the option of the State whose territory is entered or flown over to require the maximum weights to be limited to 26,200 pounds for operation of aeroplanes of this type into or over its own territory should it consider such action necessary.

It should be noted that any changes to the Civil Air Regulations which may appear necessary or desirable with respect to implementation of the practices recommended in the Resolution will be adopted only after compliance with the Administrative Procedure Act.

Dated August 1, 1949, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
Director.

[F. R. Doc. 49-6402; Filed, Aug. 5, 1949;
9:17 a. m.]

FEDERAL SECURITY AGENCY

Food and Drug Administration

[21 CFR, Ch. I]

[Docket No. FDC 56]

CANNED PINEAPPLE AND CANNED PINEAPPLE JUICE

NOTICE OF HEARING WITH RESPECT TO DEFINITIONS AND STANDARDS OF IDENTITY, QUALITY, AND FILL OF CONTAINER

In the matter of fixing and establishing definitions and standards of identity, standards of quality, and standards of fill of container for canned pineapple and canned pineapple juice:

Notice is hereby given that the Federal Security Administrator, upon application of the Pineapple Research Institute of Hawaii, representing a substantial portion of the interested industry, in accordance with sections 401 and 701 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1046, 1055; 21 U. S. C., 341, 371) will hold a public hearing commencing at 10 o'clock, eastern standard time, in the morning of October 17, 1949, in Room 5439, Federal Security Building, Independence Avenue and Fourth Street SW., Washington, D. C., for the purpose of receiving evidence upon the basis of which regulations may be promulgated fixing and establishing reasonable definitions and standards of identity, standards of quality, and standards of fill of container for canned pineapple and canned pineapple juice.

At the hearing evidence will be restricted to testimony and exhibits that are relevant and material to such proposals. The hearing will be conducted in accordance with the rules of practice provided therefor.

Mr. Edward E. Turkel is hereby designated as presiding officer to conduct the hearing in the place of the Administrator, with full authority to administer oaths and affirmations and to do all other things appropriate to the conduct of the hearing. The presiding officer is required to certify the entire record of the proceedings to the Administrator for initial decision.

Regulations suggested by the Pineapple Research Institute of Hawaii are set forth below and will be considered at the hearing. The suggested regulations are subject to adoption, rejection, amendment, or modification by the Administrator, in whole or in part, as the evidence adduced at the hearing may require.

SECTION I. Canned pineapple, identity, label statement of optional ingredients.

(a) Canned pineapple is the food consisting of:

(1) One of the optional pineapple ingredients specified in paragraph (b) (1) through (7), of this section, and one of the optional packing media specified in paragraph (c) of this section.

(2) The pineapple ingredient specified in paragraph (b) (8) of this section, to which one of the optional sweetening agents specified in paragraph (e) of this section may have been added.

(3) The pineapple ingredient specified in paragraph (b) (9) of this section, to which one of the optional sweetening agents specified in paragraph (e) of this section may have been added. Such food is sealed in a container and so processed by heat as to prevent spoilage.

(b) The pineapple ingredients referred to in paragraph (a) of this section consist of mature pineapple, and are in one of the following forms of units:

(1) Sliced pineapple, consisting of whole slices cut across the vertical axis of the fruit.

(2) Half sliced pineapple, consisting of half slices, or approximately half slices, cut across the vertical axis of the fruit.

(3) Broken sliced pineapple, consisting of portions of slices cut across the vertical axis of the fruit, broken, and

varying in size from approximately one-quarter of a slice to three-quarters of a slice.

(4) Pineapple tidbits, consisting of sectors not larger than one-sixth of a whole slice, cut from slices.

(5) Pineapple chunks, consisting of pieces not exceeding 1½ inches in any dimension, and not necessarily symmetrical or uniform in size, but not more than 15 percent of the drained weight of the contents of the can, shall consist of pieces less than ⅓ of an ounce each.

(6) Pineapple cubes or diced pineapple, consisting of cube-shaped pieces not exceeding ⅓ of an inch on each edge dimension, together with parts of cubes, but not more than 15 percent of the drained weight of the contents of the can shall consist of pieces more than ⅓ of an ounce each.

(7) Pineapple vertical cuts, consisting of longitudinal sectors not larger than one-twelfth of a whole cylinder, cut from cylinders.

(8) Crushed pineapple, consisting of crushed fruit and free-running juice, in which the drained solid material, determined by the method specified in paragraph (g) of this section, is not less than 66 percent and not more than 78 percent of the water capacity of the container, as determined in accordance with the general method prescribed in § 10.1 (a) of this chapter.

(9) Crushed pineapple solid pack, consisting of crushed fruit and free-running juice, in which the drained solid material, determined by the method specified in paragraph (g) of this section, is not less than 78 percent of the water capacity of the container, as determined in accordance with the general method prescribed in § 10.1 (a) of this chapter.

For the purpose of paragraph (h) of this section, the names of such pineapple ingredients are the word or words "pineapple," for the pineapple ingredients consisting of the characteristically yellow varieties, and "white pineapple" for the pineapple ingredients consisting of the characteristically whitish varieties, as the case may be, preceded or followed by the word or words "sliced" or "slices," "half sliced" or "half slices," "broken sliced" or "broken slices," "tidbits," "chunks," "cubes," or "diced," "vertical cuts," "crushed," "solid pack crushed."

(c) The optional packing media referred to in paragraph (a) of this section are:

(1) Water.

(2) Pineapple juice expressed from any edible portion of the fruit and untreated.

(3) Pineapple juice, similarly expressed, clarified but not otherwise treated.

(4) Light sirup.

(5) Heavy sirup.

(6) Extra heavy sirup.

Each of the packing media designated in subparagraphs (4) to (6) of this paragraph consists of a liquid ingredient and a saccharine ingredient. The liquid ingredient in each of the packing media designated in subparagraphs (4) to (6) may be any one or more of the packing media designated in subparagraphs (1) to (3) of this paragraph, or sirup prepared from the packing medium design-

nated in subparagraph (3) by additional treatment. The saccharine ingredient in the packing media designated in subparagraphs (4) to (6) is sugar.

The respective densities of the packing media designated in subparagraphs (4) to (6) of this paragraph as measured on the Brix hydrometer 15 days or more after the pineapple is canned, are within the range prescribed for each in the following list:

Number of packing medium	Brix measurement
(4) ----	15° or more, but less than 18°.
(5) ----	18° or more, but less than 22°.
(6) ----	22° or more, but not more than 35°.

(d) If the optional form of ingredient referred to in paragraph (a) of this section is packed in the optional packing medium designated in paragraph (c) (1) of this section, the product shall be deemed to be packed in "water." If the product is packed in the optional packing medium designated in paragraph (c) (2) of this section, the product shall be deemed to be packed in "pineapple juice." If the product is packed in the optional packing medium designated in paragraph (c) (3) of this section, the product shall be deemed to be packed in "juice." In the case of products packed in the optional packing media designated in paragraph (c) (4) to (6), of this section, the product shall be deemed to be packed in "light sirup," "heavy sirup," or "extra heavy sirup," as the case may be.

(e) The optional sweetening agents referred to in paragraph (a) (2) and (3) of this section are sugar or sirup consisting of sugar and pineapple juice. If the drained liquid from the product 15 days or more after canning, as measured on the Brix hydrometer, is not less than 22° nor more than 35°, the product shall be deemed to be packed as "sweetened extra heavy." If the drained liquid, similarly tested, is not less than 18° nor more than 22°, the product shall be deemed packed as "sweetened heavy." If no optional sweetening agent is used, the product shall be deemed packed as "unsweetened."

(f) For the purpose of this section, the term "sugar" means refined sucrose or invert sugar sirup. The term "invert sugar sirup" means an aqueous solution of inverted or partly inverted, refined or partly refined, sucrose, the solids of which contain not more than 0.3 percent by weight of ash and which is relatively colorless, odorless, and flavorless except for sweetness.

(g) The method specified in paragraph (b) (8) and (9) of this section is as follows: Tilt the opened container so as to distribute the contents evenly over the meshes of a circular sieve which has been previously weighed. The diameter of the sieve is 8 inches if the quantity of contents of the container is less than 3 pounds and 12 inches if such quantity is 3 pounds or more. The bottom of the sieve is woven-wire cloth, which complies with the specifications for such cloth set forth under "2380 Micron (No. 8)" in Table 1 of "Standard Specifications for Sieves" published March 1, 1940 in L. C. 584 of the U. S. Department of Commerce, National Bureau of Standards.

Without shifting the material on the sieve, so incline the sieve as to facilitate drainage. Two minutes from the time drainage begins, weigh the sieve and drained fruit. The weight so found, less the weight of the sieve, shall be considered to be the total weight of drained fruit.

(h) In the case of the optional ingredients specified in paragraph (a) (1) of this section, the label shall bear the name of the pineapple ingredient used and the name of the optional packing medium as designated in paragraph (d) of this section, preceded by "in" or "packed in."

In the case of the optional ingredients specified in paragraph (a) (2) and (3) of this section, the label shall bear the name of the pineapple ingredient used and one of the statements "sweetened extra heavy," "sweetened heavy," or, optionally "unsweetened," as designated in paragraph (e) of this section.

Wherever the name "pineapple" or "white pineapple" appears on the label so conspicuously as to be easily seen under the customary conditions of purchase, the words herein specified showing the optional pineapple ingredients and packing media or sweetening agent used, shall also be displayed in any order desired, but placed with relatively equivalent prominence and with such conspicuousness as to render each term likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

Sec. II. Canned pineapple; quality; label statement of substandard quality.
(a) The standard of quality for canned pineapple is as follows:

(1) In the case of sliced and half sliced, the outside diameter of the unit or of the two half units is not less than $2\frac{1}{16}$ inches; the inside diameter of the unit or of the two half units is not less than 1 inch and not more than $1\frac{3}{8}$ inches; the thickness of the unit is not less than $\frac{5}{16}$ inch and not more than 1 inch.

(2) In the case of broken sliced, the thickness of the units is not less than $\frac{5}{16}$ inch and not more than 1 inch; the width, as measured from the outer edge to the inner edge is not less than $1\frac{3}{16}$ inch. Pieces from slices of more than one diameter shall not be packed in the same container. The pieces shall not be smaller than one-fourth of a slice nor larger than three-fourth of a slice, except that a tolerance of 10 percent of the drained weight of the contents of the container for pieces smaller than one-fourth of a slice shall be provided, drained weight being determined in accordance with the method prescribed in paragraph (b) (1) of this section.

(3) The drained weight of the largest unit in the container, as determined in accordance with the method prescribed in paragraph (b) (1) of this section, is:

(i) In the case of sliced and vertical cuts, not more than 1.33 times the smallest;

(ii) In the case of half slices, not more than 1.66 times the smallest (except for an occasional broken piece due to splitting).

(4) In the case of sliced, half slices, broken sliced, tidbits, chunks, cubes, ver-

tical cuts, not more than one unit of a container of eight units or less and not more than $12\frac{1}{2}$ percent of the units of a container of more than eight units are blemished with fruit eyes in excess of $\frac{1}{32}$ inch in diameter, deep fruit eyes, brown spots, pieces of shell, bruised portions, or other abnormalities which are possible of detection in good commercial practice before sealing in the container.

(5) In the case of crushed and solid-pack crushed, not more than $\frac{3}{4}$ percent of the drained weight of the contents of the can, as determined in accordance with the method prescribed in paragraph (b) (1) of this section, are blemished with fruit eyes in excess of $\frac{1}{32}$ inch in diameter, deep fruit eyes, brown spots, pieces of shell, bruised portions or other abnormalities which are possible of detection in good commercial practice before sealing in the container.

(6) In the case of sliced, the amount of trimming per slice is not more than 5 percent, and the amount of trimming on all the slices in a container is not more than 3 percent, as determined in accordance with paragraph (b) (2) of this section.

(7) In the case of half slices, broken sliced, tidbits, and vertical cuts, the units are untrimmed, or are so trimmed as to preserve normal shape.

(8) In the case of sliced and half slices, not more than three units in containers of more than 25 units or one unit in containers of 25 units or less are crushed; in the case of broken sliced, not more than 5 percent of the units in a container are crushed; in the case of tidbits, not more than three of the units in containers of less than 150 units or 2 percent of the units in containers of 150 units or more are crushed; in the case of chunks, not more than three of the units in containers of less than 70 units or 5 percent of the units in containers of 70 units or more are crushed; in the case of vertical cuts, not more than one unit per container is crushed. (A unit which has lost its normal shape because of ripeness and which bears no mark of crushing shall not be considered to be crushed or broken.)

(9) In the case of pineapple cubes, or diced pineapple, not more than ---- percent by weight of the units in the container will pass through the meshes of a sieve designated as ---- inch in Table I of "Standard Specifications for Sieves," published March 1, 1940, in L. C. 584 of the U. S. Department of Commerce, National Bureau of Standards.

(10) In the case of all forms of units, not more than $\frac{3}{4}$ ounce of core, as determined in accordance with the method prescribed in paragraph (b) (3) of this section, is contained in 1 pound of drained fruit, as determined in accordance with the method prescribed in paragraph (b) (1) of this section.

(11) In the case of all forms of units, not more than $1\frac{1}{2}$ gm. of anhydrous citric acid is contained in 100 ml. of the liquid, drained from the product 15 days or more after the pineapple is canned. The quantity of anhydrous citric acid is determined in accordance with the method prescribed in paragraph (b) (4) of this section.

(b) The methods specified in paragraph (a) of this section are as follows:

(1) Tilt the opened container so as to distribute the contents evenly over the meshes of a circular sieve which has been previously weighed. The diameter of the sieve is 8 inches, if the quantity of contents of the container is less than 3 pounds, and 12 inches if such quantity is 3 pounds or more. The bottom of the sieve is woven-wire cloth, which complies with the specifications for such cloth set forth under "2380 Micron (No. 8)" in Table 1 of "Standard Specifications for Sieves" published March 1, 1940 in L. C. 584 of the U. S. Department of Commerce, National Bureau of Standards. Without shifting the material on the sieve, so incline the sieve as to facilitate drainage. Two minutes from the time drainage begins, weigh the units separately, or weigh the sieve and drained fruit, and the weight so found, less the weight of the sieve, shall be considered to be the total weight of drained fruit.

(2) (i) Determine the drained weight of the slice in accordance with the method prescribed in subparagraph (1) of this paragraph.

(ii) Place the slice in a form consisting of a cylindrical ring resting on a flat plate of sufficient dimension to exceed the outside diameter of the ring. The inside diameter of the ring is such that the slice will fit snugly therein and the height is the same as the thickness of the slice.

(iii) Pour melted plastic material (having a low melting point and a specific gravity, when hardened, equal to that of the slice) into the cavity or cavities formed by the slice and the ring in such a manner as to produce a moulage or moulages of the section or sections of the slice removed by trimming. If necessary to measure the trimming on the opposite face of the slice, place a second flat plate on the top of the ring, invert, remove first plate and proceed as described.

(iv) After the plastic has completely hardened, remove the moulage or moulages and weigh the same.

(v) Calculate the percent trim by dividing the weight determined in subdivision (iv) of this subparagraph by the sum of weights determined in subdivisions (i) and (iv) of this subparagraph and multiply by 100.

(3) Determine the drained weight of fruit in accordance with the method prescribed in subparagraph (1) of this paragraph. Cut the core material cleanly from the rest of the unit and weigh. Calculate weight of core material per pound of drained fruit.

(4) To exactly 10 ml. of the liquid drained from the product, add 40 ml. of distilled water. Titrate with 0.1N NaOH (using a few drops of phenolphthalein as an indicator) to a light permanent pink color. Multiply the number of milliliters of sodium hydroxide solution used by 0.06402 to obtain grams of anhydrous citric acid per 100 ml. of the liquid.

(c) If the quality of canned pineapple falls below the standard prescribed in paragraph (a) of this section, the label shall bear the general statement of sub-

standard quality specified in § 10.2 (a) of this chapter, in the manner and form therein, specified; but in lieu of such general statement of substandard quality, the label may bear the alternative statement "Below Standard in Quality . . .," the blank to be filled in with the words specified after the corresponding number of each subparagraph of paragraph (a) of this section, which such canned pineapple fails to meet, as follows:

- (1) "Small slices";
- (2) "Small broken pieces";
- (3) "Mixed sizes";
- (4) and (5) "Blemished";
- (6) and (7) "Excessively trimmed";
- (8) "Crushed units";
- (9) "Irregular small pieces";
- (10) "Poorly cored";
- (11) "Excessively tart".

Such alternative statement shall immediately and conspicuously precede or

	2 1/4 401X 411	1 1/4 401X 207.5	2 Tall 307X 409	1 Flat 307X 203	2 1/2 Cyl 211X 414	Buff. 211X 304	No. 10 603X 700
Sliced pineapple.....	61	65	61	57	-----	-----	56
Broken slices.....	-----	-----	-----	-----	-----	-----	57
Half slices.....	60	-----	60	-----	-----	-----	-----
Pineapple tidbits.....	61	-----	61	55	57	55	60
Pineapple vertical cuts.....	-----	-----	61	-----	60	-----	-----
Pineapple chunks.....	61	63	61	-----	57	-----	60
Pineapple cubes.....	-----	-----	-----	-----	-----	-----	65
Crushed pineapple.....	66	-----	66	66	66	66	-----
Solid pack crushed pineapple.....	-----	-----	-----	-----	-----	-----	78

Water capacity of the container is determined in accordance with the general method prescribed in § 10.1 (a) of this chapter. The total weight of drained fruit is determined by the following method:

Tilt the container so as to distribute the contents evenly over the meshes of a circular sieve which has been previously weighed. The diameter of the sieve is 8 inches if the quantity of contents of the container is less than 3 pounds and 12 inches if such quantity is 3 pounds or more. The bottom of the sieve is woven-wire cloth, which complies with the specifications for such cloth set forth under "2380 Micron (No. 8)" in Table 1 of "Standard Specifications for Sieves" published March 1, 1940, in L. C. 584 of the U. S. Department of Commerce, National Bureau of Standards. Without shifting the material on the sieve, so incline the sieve as to facilitate drainage. Two minutes from the time drainage begins, weigh the sieve and drained fruit. The weight so found, less the weight of the sieve, shall be considered to be the total weight of drained fruit.

(c) If canned pineapple falls below the standard fill of container prescribed in paragraphs (a) and (b) of this section, the label shall bear the general statement of substandard fill specified in § 10.2 (b) of this chapter, in the manner and form therein prescribed.

SEC. IV. Canned pineapple juice; identity; label statement of optional ingredients. (a) Canned pineapple juice is the food consisting of the pineapple ingredient specified in paragraph (b) of this section, to which small amounts of sugar may have been added to maintain in balance the tartness and sweetness, but not enough to produce a distinctly sweet juice. Such food is sealed in a

follow, without intervening written, printed, or graphic matter, the name "pineapple" or "white pineapple" and any words and statements required or authorized to appear with such name by section I (b).

SEC. III. Canned pineapple; fill of container; label statement of substandard fill. (a) The standard of fill of container for canned pineapple is that quantity of the contents of the container equal to 90 percent of the capacity of the container, as determined by the general method for water capacity of containers prescribed in § 10.1 (a) of this chapter.

(b) The standard of fill of container for the pineapple ingredient is the quantity such that the total weight of drained fruit, as expressed in terms of percent drained weight of the water capacity of the container, is not less than the values given in the schedule below:

container and so processed by heat as to prevent spoilage.

(b) The pineapple ingredient specified in paragraph (a) of this section is the juice of the edible portions of mature pineapple, without the addition of water thereto, which is free of coarse or hard substances and which contains finely divided insoluble solids from the flesh of the pineapple. For the purpose of paragraph (e) of this section, the names of such pineapple ingredient are "pineapple juice," for the pineapple juice of the characteristically yellow varieties, and "white pineapple juice," for the pineapple juice of the characteristically whitish varieties.

(c) The density of pineapple juice, as measured on the Brix hydrometer, is not more than ----° Brix.

(d) For the purposes of this section, the term "sugar" means refined sucrose.

(e) The label shall bear the name of the pineapple ingredient used as specified in paragraph (b) of this section, and may bear the term "unsweetened," if no sugar has been added.

SEC. V. Canned pineapple juice; quality; label statement of substandard quality. (a) The standard of quality for canned pineapple juice is as follows:

(1) The density, as determined in accordance with the method prescribed in paragraph (b) (1) of this section is 12° Brix or more.

(2) The acidity, as determined in accordance with the method prescribed in paragraph (b) (2) of this section, is not more than 1 1/2 gm. of anhydrous citric acid per 100 ml. of juice.

(3) The ratio of density to acidity, as determined in accordance with the method prescribed in paragraph (b) (3) of this section is not less than 12 to 1.

(4) The quantity of finely divided insoluble solids is 15 percent or more, but

not more than 30 percent, as determined in accordance with the method prescribed in paragraph (b) (4) of this section.

(b) The methods specified in paragraph (a) of this section are as follows:

(1) Bring the pineapple juice to the temperature of calibration of the Brix hydrometer. Transfer to suitable glass cylinder and let stand until air bubbles have disappeared. Immerse a clean, dry hydrometer about $\frac{1}{4}$ inch below the point where it floats naturally and then allow it to assume its normal position. The hydrometer must not be in contact with the bottom or walls of the cylinder. Read the scale at the level of the surface of the liquid.

(2) To exactly 10 ml. of pineapple juice, add 40 ml. of distilled water. Titrate with 0.1N NaOH solution (using a few drops of phenolphthalein solution as an indicator) to a light, permanent pink color. Multiply the number of milliliters of sodium hydroxide solution used by 0.06402 to obtain grams of anhydrous citric acid per 100 ml. of pineapple juice.

(3) Divide the result obtained in subparagraph (1) of this paragraph by the result obtained in subparagraph (2) of this paragraph to obtain the ratio of density to acidity.

(4) Measure 50 ml. of pineapple juice into a long cone-shaped graduated centrifuge tube measuring approximately $4\frac{3}{16}$ inches from tip to top calibration, and having a capacity of 50 ml. Place tube in suitable centrifuge, the approximate speed of which is related to diameter of swing in accordance with the table immediately below. The word "diameter" means the over-all distance between the tips of opposing centrifuge tubes in operating position.

Diameter:	Approximate revolutions per minute
10 inches.....	1,609
10½ inches.....	1,570
11 inches.....	1,534
11½ inches.....	1,500
12 inches.....	1,468
12½ inches.....	1,438
13 inches.....	1,410
13½ inches.....	1,384
14 inches.....	1,359
14½ inches.....	1,336
15 inches.....	1,313
15½ inches.....	1,292
16 inches.....	1,271
16½ inches.....	1,252
17 inches.....	1,234
17½ inches.....	1,216
18 inches.....	1,199
18½ inches.....	1,182
19 inches.....	1,167
19½ inches.....	1,152
20 inches.....	1,137

After centrifuging exactly 3 minutes, the milliliter reading at the top of the layer of insoluble solids is multiplied by 2 to obtain the percent insoluble solids.

(c) If the quality of canned pineapple juice falls below the standard prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard quality specified in § 10.2 (a) of this chapter, in the manner and form therein specified.

SEC. VI. *Canned pineapple juice; fill of container; label statement of substandard fill.* (a) The standard of fill of container for canned pineapple juice is that quantity of the contents of the container equal to 90 percent of the capacity of the container, as determined by the general method for water capacity of containers prescribed in § 10.1 (a) of this chapter.

(b) If canned pineapple juice falls below the standard of fill of container prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.2 (b) of this chapter, in the manner and form therein prescribed.

Dated: July 28, 1949.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 49-6315; Filed, Aug. 5, 1949;
8:52 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

United States Coast Guard

[CGFR 49-30]

TERMINATION OF APPROVALS FOR DISTRESS SIGNALS

The changes in the regulations and specifications for hand red flare distress signals and floating orange smoke distress signals were described in a notice published in the FEDERAL REGISTER dated August 22, 1947 (12 F. R. 5670) and public hearings were held by the Merchant Marine Council on September 23 and 24, 1947, at Washington, D. C., and the revised regulations and specifications were published in the FEDERAL REGISTER October 31, 1947, 12 F. R. 7072-7079. The regulations were further revised and amendments were published in the FEDERAL REGISTER October 30, November 24, and December 16, 1948, 6411-6415, 6921, 7783-7785. These regulations specified that hand red flare distress signals and floating orange smoke distress signals for inspected merchant vessels after June 1, 1949, shall be manufactured in accordance with specifications in subparts §§ 160.021 and 160.022 in Part 160 of Subchapter Q—Specifications in Chapter I of Title 46, Code of Federal Regulations, and further specified that such distress signals manufactured before June 1, 1949, which do not bear a date of manufacture cannot be continued in use after June 1, 1949, while those distress signals bearing a date of manufacture may

be continued in use for a period of three years from such date of manufacture, but in no case will be allowed in use after June 1, 1952.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by R. S. 4405, 4417a, 4426, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 1, 367, 375, 391a, 404, 481, 489, 1333, 50 U. S. C. 1275; and section 101 of the Reorganization Plan No. 3 of 1946, 11 F. R. 7875, 60 Stat. 1097, 46 U. S. C. 1, *It is ordered*, That:

(a) All approvals for hand red flare distress signals and floating orange smoke distress signals granted by the Bureau of Marine Inspection and Navigation or its predecessors or the Commandant, United States Coast Guard, prior to October 31, 1947, shall be terminated effective on and after June 1, 1949.

(b) All hand red flare distress signals and floating orange smoke distress signals which do not bear a date of manufacture shall not be continued in use as a part of the required lifesaving equipment on board inspected merchant vessels after June 1, 1949.

(c) All hand red flare distress signals and floating orange smoke distress signals manufactured under approvals terminated by paragraph (a) above and which do bear a date of manufacture may be continued in use as a part of the required lifesaving equipment on board inspected merchant vessels for a period of three years from the date of manufac-

ture stamped thereon but in no case later than June 1, 1952.

Dated: August 2, 1949.

[SEAL] J. F. FARLEY,
Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 49-6408; Filed, Aug. 5, 1949;
8:51 a. m.]

[CGFR 49-33]

TERMINATION OF APPROVAL OF EQUIPMENT

By virtue of the authority vested in me as Commandant, United States Coast Guard, by R. S. 4405 and 4491, as amended, 46 U. S. C. 375, 489; and section 101 of Reorganization Plan No. 3 of 1946, 11 F. R. 7875, 60 Stat. 1097, 46 U. S. C. 1, as well as the additional authorities cited with specific items below, the following approvals of equipment are terminated because the items of equipment covered are no longer being manufactured:

RANGES, LIQUEFIED PETROLEUM GAS BURNING

Termination of Approval No. 162.020/1/0, Garland liquefied propane gas range, Type 83-24, tested and approved by the American Gas Association, Dwg. dated February 28, 1945, Specification sheet "Garland Restaurant Gas Ranges," manufactured by Detroit-Michigan Stove Co., 6900 Jefferson Avenue,

Detroit, Mich. (Approved FEDERAL REGISTER July 31, 1947.)

(R. S. 4417a, 4426, 49 Stat. 1544, 54 Stat. 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 404, 463a, 1333, 50 U. S. C. 1275; 46 CFR 32.9-11, 61.25, 95.24, 114.25)

BOILERS, POWER

Termination of Approval No. 162.002/70/0, Vapor-Clarkson steam boiler, forced recirculation water tube boiler, spiral economizer and steam generating coils; fitted with separate condensate and steam chamber, self-contained "package" steam generator; welded steel plate construction, Dwg. No. 60057a, dated May 24, 1943, and catalog No. 1010 approved for boiler sizes 500 to 3,000 pounds per hour steam generating capacity, manufactured by Vapor Car Heating Co., East Jackson Boulevard, Chicago, Ill. (Approved FEDERAL REGISTER July 31, 1947.)

Termination of Approval No. 162.002/71/0, Vapor-Clarkson steam boiler, Type No. DA-230-5105 forced recirculation water tube boiler, spiral economizer and steam generating coils; fitted with separate condensate and steam chamber; self-contained "package" steam generator, welded steel plate construction; Dwg. No. 60026 dated August 5, 1942, manufactured by Vapor Car Heating Co., 80 East Jackson Boulevard, Chicago, Ill. (Approved FEDERAL REGISTER July 31, 1947.)

(R. S. 4417a, 4418, 4433, 4434, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (c), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 392, 411, 412, 1333, 50 U. S. C. 1275; 46 CFR Part 52)

CONDITIONS OF TERMINATION OF APPROVALS

The termination of approvals of equipment made by this document shall be made effective upon the thirty-first day after the date of publication of this document in the FEDERAL REGISTER. Notwithstanding this termination of approval on any item of equipment, such equipment manufactured before the effective date of termination of approval may be used on merchant vessels so long as it is in good and serviceable condition.

Dated: August 2, 1949.

[SEAL] J. F. FARLEY,
Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 49-6409; Filed, Aug. 5, 1949;
8:51 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[1198830]

ALASKA

REVOCATION OF ORDER OPENING LANDS UNDER FOREST HOMESTEAD ACT

AUGUST 2, 1949.

On request of the Department of Agriculture and pursuant to the authority delegated by the Secretary of the Interior (43 CFR 4.275 (a) (38)) it is ordered as follows:

Subject to valid existing rights, the order described below opening public

lands in the Tongass National Forest, Alaska, for entry under the act of June 11, 1906, as amended (34 Stat. 233; 16 U. S. C. secs. 506-509) is hereby revoked as to the lands hereinafter identified:

Date of order of opening	List No.	Land identification
Jan. 15, 1926	8-91	20.35 acres located on the north shore of Boat Harbor, Lynn Canal, latitude 58°39' N., longitude 135°10' W.

ROSCOE E. BELL,
Associate Director.

[F. R. Doc. 49-6386; Filed, Aug. 5, 1949;
8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Farm Credit Administration

[Farm Credit Administration Order 501]

AUTHORITY OF ASSISTANT DEPUTY LAND BANK COMMISSIONERS TO ATTEST CONSOLIDATED FEDERAL FARM LOAN BONDS AS ACTING DEPUTY LAND BANK COMMISSIONER

AUGUST 1, 1949.

During any period that the position of Deputy Land Bank Commissioner is vacant, or in the event the Deputy Land Bank Commissioner is absent or unavailable to so act for any reason, the following, in the order named, are authorized and empowered to execute and perform the duties of Deputy Land Bank Commissioner in respect to the preparation and issuance of consolidated Federal farm loan bonds of the 12 Federal land banks, and to attest such bonds as Acting Deputy Land Bank Commissioner: Ernest Diebel, Assistant Deputy Land Bank Commissioner, and, in his absence or unavailability to so act for any reason, E. C. Johnson, Assistant Deputy Land Bank Commissioner.

[SEAL] T. F. MURPHY,
Acting Governor,
Farm Credit Administration.

[F. R. Doc. 49-6406; Filed, Aug. 5, 1949;
8:50 a. m.]

Production and Marketing Administration and Commodity Credit Corporation

1949-50 WHEAT AND WHEAT FLOUR PROGRAM

DELEGATION OF AUTHORITY

The Manager of the Commodity Credit Corporation, or in his absence or in his inability to act, the Acting Manager, is hereby designated as the authorized representative of the Administrator to perform the functions and duties of the Administrator or his representative pursuant to the terms and conditions of the 1949-50 Wheat and Wheat Flour Export Program (6 CFR 571.1 et seq.).

Issued this 3d day of August 1949.

[SEAL] RALPH S. TRIGG,
Administrator, Production and Marketing Administration.

[F. R. Doc. 49-6404; Filed, Aug. 5, 1949;
8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-963]

COMMONWEALTH NATURAL GAS CORP.

NOTICE OF AMENDED APPLICATION

AUGUST 3, 1949.

Take notice that Commonwealth Natural Gas Corporation (Applicant), a Virginia corporation, address People's National Bank Building, Lynchburg, Virginia, filed on July 19, 1949, an amended application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain transmission pipeline facilities hereinafter described.

Applicant proposes to transport natural gas for resale to the Petersburg and Hopewell Gas Company, Virginia Electric and Power Company (in the Norfolk area), Portsmouth Gas Company, Suffolk Gas Company, and the cities of Richmond and Charlottesville, Virginia, and the Solvay Process Division of the Allied Chemical & Dye Corporation at Hopewell, Virginia, and for such purpose to construct and operate a pipeline approximately 200 miles in length extending from the existing pipeline of the Virginia Gas Transmission Corporation in Green County, Virginia, to a point near Norfolk, Virginia. The line to be constructed will range in diameter from 16 inches at the point of connection with the Virginia Gas Transmission Corporation's pipeline to 12¾ inches at the terminus at Norfolk, Virginia.

The estimated cost of the proposed facilities is \$5,041,900. It is proposed to finance this cost by the sale of securities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) within 15 days from the date of publication hereof in the FEDERAL REGISTER. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-6389; Filed, Aug. 5, 1949;
8:46 a. m.]

[Docket No. G-1203]

COLORADO INTERSTATE GAS CO.

ORDER FIXING DATE OF HEARING

AUGUST 2, 1949.

On April 27, 1949, Colorado Interstate Gas Company (Applicant) filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of additional natural-gas pipeline facilities, subject to the jurisdiction of the Commission, all as more fully described in such application on file with the Commission and open to public inspection.

Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and pro-

cedure; and no request to be heard or protest has been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on May 10, 1949 (14 F. R. 2421).

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on August 30, 1949, at 9:30 a. m. (e. d. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the said rules of practice and procedure.

Date of issuance: August 2, 1949.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-6390; Filed, Aug. 5, 1949;
8:46 a. m.]

[Docket No. G-1209]

UNITED NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

AUGUST 2, 1949.

On May 12, 1949, United Natural Gas Company (Applicant), a Pennsylvania corporation with its principal place of business at Oil City, Pennsylvania, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas facilities, subject to the jurisdiction of the Commission.

The facilities are more particularly described in the application on file with the Commission and open to public inspection.

Applicant has requested that its application be heard under the shortened procedure provided by §§ 1.32 (a) and 1.32 (b) of the Commission's rules of practice and procedure; and no request to be heard or protest has been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on June 3, 1949 (14 F. R. 2932). The Commission finds: This proceeding is a proper one for disposition under the provisions of §§ 1.32 (a) and 1.32 (b) of the Commission's rules of practice and procedure.

The Commission orders: (A) Pursuant to the authority contained in

and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on August 29, 1949, at 9:30 a. m. (e. d. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 of the Commission's rules of practice and procedure.

Date of issuance: August 2, 1949.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-6391; Filed, Aug. 5, 1949;
8:47 a. m.]

[Docket No. G-1241]

VIRGINIA NATURAL GAS CO.

NOTICE OF APPLICATION

AUGUST 1, 1949.

Take notice that Virginia Natural Gas Company (Applicant), a Virginia corporation, address 12 North 8th Street, Richmond, Virginia, filed on July 18, 1949, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain transmission pipe-line facilities hereinafter described.

Applicant proposes to transport natural gas for resale to City of Richmond, Virginia, Petersburg and Hopewell Gas Company, Suffolk Gas Company, Portsmouth Gas Company, and Norfolk Division of Virginia Electric and Power Company, and for sale to industrial customers, and for such purpose to construct and operate a natural gas pipe line approximately 165 miles in length extending from a point of connection with the pipe line system of Trans-Continental Gas Pipe Line Corporation at or near Buckingham, Virginia, and extending in a generally easterly and southeasterly direction to a point near Norfolk, Virginia, together with connecting lateral lines extending to the Cities of Richmond, Hopewell, Suffolk and Portsmouth.

The estimated cost of the proposed facilities is \$5,377,972. The cost of constructing the proposed facilities will be financed by the sale of securities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) within 15 days from the date of publication hereof in the FEDERAL REGISTER. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-6380; Filed, Aug. 5, 1949;
8:48 a. m.]

[Docket No. E-6227]

POTOMAC ELECTRIC POWER CO. AND
BRADDOCK LIGHT & POWER CO., INC.

NOTICE OF APPLICATION

AUGUST 1, 1949.

Notice is hereby given that on July 29, 1949, a joint application was filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act, by Potomac Electric Power Company ("Potomac") a corporation organized under the laws of the United States of America relating to the District of Columbia, and its wholly owned subsidiary Braddock Light & Power Company, Incorporated ("Braddock") a corporation organized under the laws of the Commonwealth of Virginia, seeking an order authorizing the merger or consolidation of all of the facilities of Braddock with those of Potomac by merging Braddock into Potomac under the laws of the Commonwealth of Virginia, and as a part of such merger Potomac will assume the liabilities and obligations of Braddock; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 22d day of August, 1949, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-6381; Filed, Aug. 5, 1949;
8:48 a. m.]

[Docket No. G-1243]

VIRGINIA GAS TRANSMISSION CORP.

NOTICE OF APPLICATION

AUGUST 2, 1949.

Take notice that Virginia Gas Transmission Corporation (Applicant), a Virginia corporation with its principal place of business at 1033 Quarrier Street, Charleston, West Virginia, filed on July 20, 1949, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain transmission pipe-line facilities hereinafter described.

Applicant proposes to transport natural gas for resale to City of Charlottesville, Virginia, to be delivered at a point on its 20-inch transmission pipeline near Doyleville, Virginia, or the sale or delivery of natural gas at such point to such other person as shall be designated by the City of Charlottesville to redeliver said gas to it. Applicant proposes for such purpose to construct and operate a metering and regulating station at said delivery point.

The estimated cost of the proposed facilities is \$9,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) within 15 days from the date of publication hereof in

the FEDERAL REGISTER. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-6382; Filed, Aug. 5, 1949;
8:48 a. m.]

[Docket No. G-1245]

VIRGINIA GAS TRANSMISSION CORP.

NOTICE OF APPLICATION

AUGUST 2, 1949.

Take notice that Virginia Gas Transmission Corporation (Applicant), a Virginia corporation with its principal place of business at 1033 Quarrier Street, Charleston, West Virginia, filed on July 21, 1949, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain transmission pipeline facilities hereinafter described.

Applicant proposes to transport natural gas for resale to Roanoke Gas Company of Roanoke, Virginia, to be delivered at a point on its 20-inch transmission pipeline near Gala, Virginia; or for the sale or delivery at said point to such other person as shall be designated by the Roanoke Gas Company to redeliver said gas to it. Applicant proposes for such purpose to construct and operate a metering and regulating station at said delivery point.

The estimated cost of the proposed facilities is \$18,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) within 15 days from the date of publication hereof in the FEDERAL REGISTER. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-6383; Filed, Aug. 5, 1949;
8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-601]

ALDRED INVESTMENT TRUST

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 2d day of August A. D. 1949.

Notice is hereby given that Aldred Investment Trust, (Aldred) 30 Broad Street, New York 4, New York, a registered, closed-end, investment company, has filed an application under section 23 (c) (3) of the Investment Company Act of 1940 for an order authorizing and approving the purchase by it from the Estate of Gabriel Caplan, deceased, of 35,000 shares of common stock of which it is the issuer, at \$9.75 a share or a total of \$341,250. There are 82,616 shares out-

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standing in the hands of 113 persons and at June 23, 1949, the stock had a net asset value of \$10.79 a share.

On February 20, 1948, in a receivership proceeding for Aldred, the United States Court of Appeals directed that shareholders be given the option of liquidation or continuing as shareholders. (*Bailey v. Proctor*, 166 F. 2d 392.) Those shareholders who did not elect to retain their interest in the trust have been paid the liquidating value of their shares and the remaining assets were turned over to newly elected trustees. The present proposal arises from the need for liquidation of such stock by the estate and the absence of a market adequate for that purpose.

Section 23 (c) of the act prohibits any closed-end company to purchase any securities of any class of which it is the issuer except upon conditions not here applicable or under such other circumstances as this Commission may permit by rules and regulations or orders for the protection of investors in order to insure that the purchases are made in a manner or on a basis which does not unfairly discriminate against any holders of the class or classes of securities to be purchased. Furthermore, the proposal does not meet the requirements of any rule or regulation adopted thereunder.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission in Washington, D. C.

Notice is further given that an order granting the application, in whole or in part and upon such conditions as the Commission may deem necessary or appropriate, may be issued by the Commission at any time after August 15, 1949, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than August 12, 1949, at 5:30 p. m., in writing submit to the Commission his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, reasons for such request, and issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 49-6385; Filed, Aug. 5, 1949;
8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Return Order 388]

LEO LOEB

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Leo Loeb, New York, N. Y., Claim No. 5797; June 15, 1949 (14 F. R. 3255); \$9,585.45 in the Treasury of the United States. United States Treasury Bond of 1965-1970, No. 1846, 2½%, in the face amount of \$10,000.00, issued February 1, 1944, due March 15, 1970, with coupon due September 15, 1949, and subsequent coupons attached, presently in custody of the Federal Reserve Bank, New York, New York.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on August 1, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-6398; Filed, Aug. 5, 1949;
8:53 a. m.]

[Return Order 389]

JOHANNA DOLLING

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Johanna Dolling, Ridgewood, N. Y., Claim No. 7142; June 15, 1949 (14 F. R. 3355); \$2,856.12 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on August 1, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-6399; Filed, Aug. 5, 1949;
8:53 a. m.]

[Return Order 392]

MARCEL CLAVEL

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

NOTICES

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Marie, Antonine, Felix, Germain, Marcel Clavel, 73 Boulevard Camille Flemmarion, Marseille, France; Claim No. 36413; June 23, 1949 (14 F. R. 3428); property to the extent owned by claimant immediately prior to the vesting thereof, described in Vesting Order No. 3430 (9 F. R. 6464, June 13, 1944; 9 F. R. 13768, November 17, 1944), relating to the literary work entitled "Terres Et Gene De France". (listed in Exhibit A of said vesting order), including royalties pertaining thereto in the amount of \$39.93.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on August 1, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-6400; Filed, Aug. 5, 1949;
8:53 a. m.]

[Return Order 397]

RUTH FEINER

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Ruth Feiner, 114 Clifton Court, St. John's Wood, London N. W., 8, England, Claim No. 2662; June 28, 1949 (14 F. R. 3513); Property to the extent owned by claimant immediately prior to vesting thereof, described in Vesting Order No. 1758 (9 F. R. 13773, November 17, 1944) relating to the literary works entitled "Yesterday's Dreams", "Three Cups of Coffee", and "Young Woman of Europe" (listed in Exhibit A of said vesting order), including royalties pertaining thereto in the amount of \$286.90.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on August 1, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-6401; Filed, Aug. 5, 1949;
8:53 a. m.]



